THE HYDERABAD DISTRICT BOARDS ACT, 1956.

No. I of 1956.

CONTENTS.

PREAMBLE.

Sections.

CHAPTER I.

Preliminary.

1. Short title, extent and commencement.
2. Definitions.
3. Power to except areas from the provisions of this Act.

CHAPTER II.

Constitution of Boards.

4. Establishment of Boards.
5. Board to be deemed to be a corporate body.
6. Constitution of Boards.
7. Delimitation of Constituencies and determination of number of members.
8. Qualification of Voters.
9. Preparation of list of voters and period of operation of the list.
10. Effect of possessing qualifications in more than one constituency.
11. Elections when to be held.
12. Disqualification for corrupt practice.
13. Qualification for being elected as a member.
14. Disqualifications for being elected as a member.
15. Appeals from decisions of Returning Officers.
16. Disqualification for continuing as member.

17. Prohibition of simultaneous representation.

18. Reference to the Election Tribunal.

19. Publication of the names in the Official Gazette.

20. Election petition.

21. Presentation of petitions.

22. Parties to the petition.

23. Appointment of Election Tribunal.

24. Powers of the Tribunal.

25. Decision of the Tribunal.

26. Other orders to be made by the Tribunal.

27. Grounds for declaring election to be void.

28. Grounds for which a candidate other than the returned candidate may be declared to have elected.

29. Procedure in case of an equality of votes.

30. Communication of orders to the Collector and the transmission of the records of the case.

31. Difference of opinion among the members of the Tribunal.

32. Orders of the Tribunal to be final and conclusive.

33. Orders to take effect only on publication.

34. Term of office.

35. Procedure when no member is elected.

36. Election of President and Vice-President.

37. Vacancy in the office of the President or Vice-President.

38. Resignation of President or Vice-President or Member.

39. Removal of members for misconduct, etc.

40. Filling up casual vacancies.

CHAPTER III.

Subordinate Agencies, Committees and Office-bearers.

41. Board to appoint Committees.

42. Functions of Committees.

43. Sub-Committees.

44. Joint Committees.

45. Functions and emergency powers of President.

46. Functions of the Vice-President.

47. Consequence of absence of President or Vice-President without leave.

48. Executive powers vested in the Executive Officer of the Board.

CHAPTER IV.

Conduct of Business.

49. Meetings of Board.

50. Notice of meetings.

51. Quorum.

52. Meetings open to public.

53. Decisions how arrived at.

54. Bar of transaction of business.

55. Bar of modifying or cancelling the resolution.

56. Motions and amendments.

57. Conduct of Ordinary meetings.

58. Moving a Resolution.

59. Preservation of Order.

60. Members when to abstain from Voting or taking part in decision.

61. Minutes.

62. Circulation of proposals when meeting cannot be convened.

63. Rights of individual members.

64. Certain Government officers to attend meeting of the Board.

65. Vacancy or irregularities not to invalidate the proceedings.

CHAPTER V.

Property, Contracts and Liabilities.

66. Property vested in the Board.

67. Acquisition of land for Board.

68. Management of Public Institutions.

69. Transfer of Board's property to the Government.

70. Other transfers of Board's property.

71. Auctions.

72. Saving of the local authorities Loans A'ins, 1352 F.

73. Mode of making contracts.

74. Improper interest in contracts.

75. Penalty for improper interest in contracts.

76. Bar of suit in respect of act done in good faith.

77. Bar of suit in absence of notice.

78. Liability for loss, waste or misappropriation of money or property.

79. Power of Board to compromise suits.

CHAPTER VI.

Duties and Powers of Boards.

80. Duties of Boards.

81. Discretionary Powers of a Board.

CHAPTER VII.

Sanitary and other Powers.

82. Powers to enter and inspect buildings, etc.

83. Insanitary buildings.

84. Powers with regard to sources of water.

85. Remedy for non-compliance with directions issued.

86. Power to set apart public springs, etc., for certain purposes and to prohibit use of water from certain sources.

87. Penalty for using places set apart for other purposes.

88. Abatement of nuisance from foul water.

89. Closing of places for the disposal of the dead.

90. Registration of burial and cremation grounds.

91. Licensing of places for the disposal of the dead.

92. Provision for burial and cremation grounds and crematoria.

93. President, etc., to have power of entry for inspection into buildings, etc., where infectious disease exists.

94. Board to notify places for washing and disinfecting articles exposed to infection. Infected articles may be destroyed. Penalty.

95. Information regarding infectious disease.

96. Obstructions and encroachments upon public road, land or building.

97. Prohibition of hotels, restaurants, tea-shops, etc., and offensive or dangerous trade without licence.

98. Power to regulate slaughter of animals for sale.

99. Power to take measures against cattle disease.

100. Prevention of rabies and disposal of mad and stray dogs.

101. Dangerous quarrying, blasting, felling trees or cutting timber of building.

102. Permission necessary for erecting buildings and for construction, establishment or installation of factory, workshop or workplace.

Regional and Town Planning.

103. Regional and town planning and local lay-outs.

104. Notification of sanction of plan or lay-out.

105. Variation or revocation of plan or lay-out.

106. Limitation of compensation payable to persons affected by variation of revocation of the plan or lay-out.

107. Obligation of owners to comply with plan or lay-out after sanction.

108. Penalty for breach of the provisions of any regional or town plan or lay-out.

109. Powers of entry, etc.

110. Application of the Hyderabad Land Acquisition Act, 1309 Fasli, to immovable property required for plan or lay-out.

Mosquito Control.

111. Declaration of an area for mosquito control.

112. Prohibition of mosquito breeding in collection of water.

113. Treatment of mosquito breeding places.

114. Health Officer's powers in case of default.

115. Protection of anti-mosquito works.

116. Prohibition of interference with such works.

117. Power of health staff to enter and inspect premises.

118. Penalty for breach of section 113.

119. Penalty for breach of section 115.

120. Penalty for breach of section 116.

MARKETS.

Public Markets.

121. Public markets.

122. Closing of public markets.

123. Licensing of private markets.

124. Term of such licences.

125. Procedure when Board delays grant of licence.

126. Penalties.

CHAPTER VIII.

Revenue and Expenditure.

127. Constitution of District Fund.

128. Custody and investment of the District Fund.

129. Application of Fund.

130. Standing Committee and Budget Estimates.

131. Exempting Boards from obtaining Government approval for estimates.

132. Expenditure from the balance of the previous years.

133. Accounts.

134. Inspection of accounts by the public.

CHAPTER IX.

Taxation.

135. Local Cess.

136. Collection and credit of local cess.

137. Suspension and remission of local cess.

138. Special tax on property.

139. Other taxes.

140. Procedure in imposing taxes.

141. Procedure for abolishing or varying taxes.

142. Procedure for suspension of or exemption from taxes.

143. Powers to charge fees for lincences and for use of certain lands and buildings.

Assessment of taxes.

144. Power to call for information.

145. Assessment not invalid for defect of form.

146. Bar of other proceedings.

CHAPTER X.

Collection of taxes.

147. (1) Presentation of bill for amount of tax.
(2) Contents of bill.
(3) If bill not paid within thirty days notice of demand to issue.

148. In what cases warrant may issue.

149. Warrant by whom to be signed.

150. To whom warrant should be addressed.

151. Power of entry under special order.

152. Warrant how to be executed.

153. (1) Sale of goods distrained.
(2) Application of proceeds of sale.
(3) Surplus, if any, how dealt with.

154. Distraint and sale outside the district.

155. Fees and costs chargeable.

156. Appeal to Munsiff-Magistrate.

157. Liability of lands, buildings, etc., for tax.

158. (1) Power to seize animals, goods or vehicles on non-payment of toll.
(2) Power to sell property seized at once.
(3) Release of property on payment.
(4) Sale.
(5) Surplus how dealt with.

159. (1) Farming of tolls.
(2) Person employed by the lessee of toll to have power seizure.

160. Receipts to be given for all payments.

161. Recovery of arrears of taxes and other dues.

162. Limitation of recovery proceedings.

163. Refunds.

CHAPTER XI.

Officers and Servants of Boards.

164. Application of the Hyderabad Civil Service Regulation and certain other rules.

165. Appointment of officers and servants.

166. Hyderabad Local Government Service.

167. Delegation of power to engage officers and servants.

168. Power of Government to prevent extravagance in establishment.

169. Punishment and dismissal of the employees.

170. Power of Government to transfer officers and servants of Board.

171. Residuary powers of the Board over subordinates.

172. Members, Officers, etc., to be public servants.

CHAPTER XII.

Control.

173. Power of Collector to inspect and call for documents.

174. Collector's power of suspending execution of orders, etc., of Board.

175. Extraordinary powers of Government and Collector in cases of emergency.

176. Power of Government to provide for performance of duties in default of Board.

177. Dissolution and reconstitution of Board.

178. Power of Government to enforce order passed by Government or other authorities.

179. Disputes between Boards and other Local Bodies.

180. Appointment of technical and inspecting officers for whole of the State.

181. Delegation of powers by Government.

182. Control of Revenue Officers.

CHAPTER XIII.

Notices, Appeals and Procedure Relating to Offences.

183. Service of notices, etc., addressed to individuals.

184. Service of notices on owners or occupiers of buildings and land.

185. Publication of public and general notices.

186. Defective form of notice, fixation of reasonable time and consequence of non-compliance.

187. Punishment for disobedience to orders and notices not punishable under any other section.

188. (1) Board in default of owner or occupier may execute work and recover expenses.
(2) Power to levy charges on occupier, who may deduct the same from his rent.
(3) Occupiers not to be liable for more than the amount of rent due.

189. Expenses or costs how determined and recovered.

Appeals.

190. Bar of Appeal.

191. Appeals to Collector against certain orders.

192. Limitation for appeal.

193. Form of appeal and stay of proceedings and of execution.

194. Decision of Collector in appeal.

195. Powers of revision.

Procedure relating to offences.

196. Cognizance of offence.

197. Board may prosecute.

198. Power to compound offence.

CHAPTER XIV.

Rules and Bye-laws.

199. General provisions regarding rules.

200. Matters as to which rules may be made.

201. Bye-laws.

202. Matters as to which bye-laws may be made.

CHAPTER XV.

Miscellaneous.

203. Power of Government to transfer power and functions of Panchayats to Boards and vice-versa.

204. Mode of proof of records.

205. Restrictions on summoning servants of the Board to produce documents.

206. Power of Board to call for evidence.

207. Powers and duties of police in respect of offences and assistance to authorities.

208. Power of Board to delegate its powers.

209. Effect of this Act upon the Hyderabad Cattle Trespass Act V of 1337 Fasli.

210. Repeal and savings.

THE HYDERABAD DISTRICT BOARDS ACT, 1955.

No. I of 1956.

(Received the assent of the President on 21st January, 1956; assent first published in the Hyderabad Gazette Extraordinary on the 24th January, 1956).

An Act to amend and consolidate the law relating to District Boards in the State of Hyderabad.

WHEREAS it is expedient to amend and consolidate the law relating to District Boards in the State of Hyderabad.

BE it enacted in the Sixth Year of our Republic as follows:—

CHAPTER I—Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad District Boards Act, 1955.

(2) It extends to the whole of the State of Hyderabad except areas legally included within the jurisdiction of Corporations constituted under the Hyderabad Municipal Corporation Act, 1950, or of any Cantonment or of any City Municipal Committee or Town Municipal Committee constituted under the Hyderabad Municipal and Town Committees Act, 1951 or of a Mines Board of Health.

Definitions.

(3) It shall come into force on such date as may be specified by Government by notification in the official Gazette.

2. In this Act unless there is anything repugnant in the subject or context—

(i) 'Board' means a District Board constituted under this Act;

(ii) 'building' includes a house, out-house, shop, stable, ware-house, workshop, canopy, shed, hut or other enclosure whether used as a human dwelling or otherwise and shall include also walls including compound wall and fencing, verandahs, platforms, plinths, doorsteps and the like;

(iii) 'Collector' means the Collector of the District for which a Board has been constituted;

(iv) 'district' means a revenue district constituted as a district from time to time under the Land Revenue Act, 1317 F.;

(v) 'erect or re-erect any building' includes—

(a) any material alteration or enlargement of any building,

(b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation,

(c) the conversion of one or more places of human habitation into a greater number of such places,

(d) the conversion of two or more places of human habitation into a lesser number of such places,

(e) such alteration of a building as effect a change in its drainage or sanitary arrangements or materially affect its security,

(f) the addition of any rooms, building, out-houses or other structures to any building,

(g) conversion by any structural alteration into a place of religious worship or into a sacred building, any place or building not originally meant or constructed for such purpose,

(h) roofing or covering an open space between walls or buildings as regards the structure which is formed by roofing or covering such space.

(i) conversion into a stall, shop, ware house or go-down of any building not originally constructed for use as such or **vice versa**,

(j) construction on a wall adjoining any street or land not vested in the owner of the wall, of a door opening on such street or land;

(vi) 'factory' means besides a factory as defined in the Factories Act, 1948, any premises, including the precincts thereof wherein any industrial manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(vii) 'financial year' means the year beginning on the 1st day of April or on such date as the Government may by notification appoint;

(viii) 'Government Servant' does not include a retired pensioner;

(ix) 'Health Officer' means the Health Officer, if any, employed by or on behalf of the Board, and if there is no such officer, the Health Officer of the District;

(x) 'infectious disease' means cerebro-spinal fever, chicken-pox, cholera, diptheria, enteric fever, epidemic influenza, leprosy measles, plague, rabies, scarlet fever, small-pox, tuberculosis, typhus, yaws or any other disease which the Government may notify in this behalf either generally throughout the State or in such part or parts thereof as may be specified in the notification;

(xi) 'inhabitant' includes any person ordinarily residing or carrying on business or owning or occupying immovable property in any area within the jurisdiction of a Board;

(xii) 'market' means a place for the sale of goods or animals publicly exposed where, ordinarily or periodically, at least four shops, stalls or sheds are set up or at least ten animals are brought for sale;

(xiii) 'member' means a member of the Board;

(xiv) 'occupier' means any person in actual possession of any land or building or part thereof, and includes an owner in actual possession, and a tenant or licensee whether such tenant or licensee is liable to pay rent or not;

(xv) 'offensive matter' includes night-soil and other contents of latrines, cesspools and drains; dung and the refuse or useless or offensive material thrown out in consequence of any process of manufacture industry or trade, putrid and putrifying substances, dirt, house sweeping spittings, including chewed betel and tobacco, kitchen or stable refuse, broken glass or pottery, debris and waste paper;

(xvi) 'offensive trade' means any trade, business or industry in which the substances dealt with are, or are likely to become a nuisance;

(xvii) 'owner' includes the person for the time being receiving the rent of any land or building or part thereof, whether on his own account, or as agent, receiver, or trustee or who would receive rent if the land or building or part thereof were let to a tenant;

(xviii) 'Panchayat' means a Panchayat established under the Hyderabad Village Panchayat Act, 1951;

(xix) 'prescribed' means prescribed by the rules made under this Act;

(xx) 'President' means the President of the Board;

(xxi) 'private market' means a market other than a public market or a market established under the Hyderabad Agricultural Market Act, 1339 F.;

(xxii) 'public market' means any market belonging to a Board or acquired, constructed, maintained or managed by the Board;

(xxiii) 'public nuisance' includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right;

(xxiv) 'street' means any road, footway, square, court, alley or passage, accessible to the public, whether a thoroughfare or not:

and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any person as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid, and shall include also the drains on either side, and land, whether covered or not by any pavement, verandah or other erection, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property be private property or property reserved by Government or by the Board for any purpose other than a street;

(xxv) 'tax' includes any toll, rate, cess, fee or other impost leviable under this Act;

(xxvi) 'vehicle' includes a bicycle, tricycle, motor car, and every wheeled conveyance which is used or is capable of being used on a public street;

(xxvii) 'Vice-President' means the Vice-President of the Board;

(xxviii) the words used but not defined in this Act shall have the meanings assigned to them in the Land Revenue Act of 1317 Fasli.

Power to except areas from the provisions of this Act.

3. (1) If the circumstances of any district or part of the district are such that, in the opinion of the Government, it is inexpedient to apply any of the provisions of this Act thereto, the Government may by notification except the area from the operation of those provisions and thereafter the said provisions shall not apply to the area until applied thereto by notification.

(2) While such exception remains in force, the Government may make rules to regulate in the said area the matters excepted from the operation of the said provisions.

CHAPTER II.

CONSTITUTION OF BOARDS.

Establishment of Boards.

4. (1) Subject to the provisions of section 3 there shall be constituted under this Act for each district a Board having authority under this Act over such district.

(2) Such Board shall come into existence from such date as the Government may notify in this behalf and the notification shall specify the name of the Board as the District Board of the District for which it has been constituted.

Board to be deemed to be a corporate body.

5. Every Board shall be a body coporate known by the name specified in the notification issued under subsection (2) of section 4 and shall have perpetual succession and a common seal, and subject to any restrictions or qualifications imposed by or under this Act or any other enactment for the time being in force, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts and of doing all things necessary, proper and expedient for the purposes for which it is constituted.

Constitution of Boards.

6. (1) A Board shall consist of such number of elected members, subject to a maximum of 48 and a minimum of 16, as the Government shall by notification in the official Gazette declare for each district including a President and a Vice-President elected by the Board from amongst its members. Provided that the number of members to be allotted to each district shall be so determined as to ensure that there shall be not less than one member for every 30,000 of the population and not more than one member for every 20,000 of the population.

(2) At least four of such members shall belong to the Scheduled Castes and Scheduled Tribes, if any, as defined in clauses 24 and 25 of Article 366 of the Constitution of India.

(3) The determination of the seats for the Scheduled Castes and Scheduled Tribes shall, so far as may be, be made in proportion to their population in each district, by a notified order made by the Government in this behalf.

Delimitation of Constituencies and determination of number of members.

7. (1) For the purpose of election of members to a Board, the Government after consulting the Board shall, by notification—

(a) divide the district into circles;

(b) determine the circles in which the seats, if any, reserved under sub-section (2) of section 6 shall be set apart; and

(c) declare for whom such seats are reserved.

(2) Each circle shall be deemed to be a Constituency.

(3) Each of the circles shall return only one member except the circles referred to in clause (b) of sub-section (1) which shall, in addition to the member for such reserved seat, return one more member for the non-reserved seat. The number of members for each of the circles, shall be notified by the Government.

(4) All the voters of a circle irrespective of their community or sex, shall be entitded to vote at an election to any seat in that circle whether reserved or not.

(5) When issuing under sub-section (1) a notification which materially alters the existing division of a district into circles, the Government shall direct that the alteration shall take effect from the date of the next ordinary elections.

(6) When the number of members to be returned by a circle is altered or when a new circle is formed or when an existing circle is abolished, the Government shall, after consulting the Board, determine—

(a) the circle which each member then on the Board shall be deemed to represent; and

(b) the circle or circles in which elections shall be held to fill up the vacancies, if any, in the Board:

Provided that for the purpose of the first election after the commencement of this Act, the division of the district into circles and the allotment of seats to each circle shall be made subject to the approval of the Government by the Collector of the district concerned.

Qualification of voters.

8. (1) Unless disqualified under this Act, or under any other law for the time being in force, every person who—

(a) is a citizen of India;

(b) has attained the age of 21 years on the 1st day of March of the year in which the list of voters is prepared; and

(c) has the requisite residence or taxation qualification,

shall, subject to the provisions of sub-section (4), be entitled to have his name entered in the list of voters for a constituency:

Provided that no such person who has been adjudged by a competent Court to be of unsound mind shall be entitled to have his name entered in such list.

(2) A person shall be deemed to have the requisite residence qualification if he has ordinarily resided in a dwelling in the constituency for an aggregate period of not less than one hundred and eighty days in the year immediately preceding the first day of January of the year for which the list of voters is prepared:

Provided that a person who is an inmate or a patient in any prison, lunatic asylum, hospital or any other similar institutions shall not by reason thereof be deemed to have used such Institution as a dwelling for the purposes of this sub-section.

(3) A person shall be deemed to have the requisite taxation qualification if he was assessed to local cess or to the tax imposed under section 138 by a Board in the financial year immediately preceding that in which the list is prepared.

(4) A person who possess the requisite residence qualification under this section shall not by reason of such qualification, be entitled to have his name entered in the list for a constituency, if the place of residence of such person during the period referred to in sub-section (2) is within the limits of a Municipal Corporation or a City or Town Municipality, or a Cantonment or a Mines Board of Health comprised in such constituency, unless such person possesses the requisite taxation qualification.

Preparation of list of voters and period of operation of the list.

9. (1) For each constituency of the Board within his district, the Collector shall cause to be prepared and kept a list of the persons qualified to vote in such constituency.

(2) The list of voters first prepared under this Act shall come into force immediately upon its final publication in accordance with the rules made under this Act and shall remain in force until the 30th day of September next, and every list of voters subsequently prepared under this Act shall come into force on the 1st day of October of the year for which the list is being prepared and shall remain in force until the 30th day of September next following.

(3) If for any reason the list of voters for any constituency is in any year not finally published in the prescribed manner before the 1st day of October, then, until the day on which it is so published, the list of voters which was in force immediately before the said 1st day of October shall continue in force as the list of voters for that constituency.

(4) A person shall not be entitled to vote at an election unless he is enrolled in the list of voters at the time in operation for the constituency for which the election is held.

Effect of possessing qualification in more than one constituency.

10. If a person possesses qualifications to vote in more than one constituency, he shall within a prescribed time declare the constituency in which he proposes to vote and in the event of his failure to make such declaration within the prescribed time, he shall be entitled to vote only in anyone of the constituencies.

Elections when to be held.

11. (1) The first general election after the coming into force of this Act for the purposes of this Act shall be held by the Collector on such day or days as the Government shall fix in this behalf.

(2) Every subsequent general election for the purposes of this Act shall be held by the Collector within three months before the expiry of the term of office of the members of the Board as specified in section 34, on such day or days, as the Government shall fix in this behalf.

(3) Any vacancy in the office of a member of a Board shall be filled at a by-election which shall be fixed by Government to take place, as soon as may be, after the occurrence of the vacancy:

Provided that no by-election shall be held to fill a vacancy occurring within three months before the ordinary date of retirement of the members.

Disqualification for corrupt practice.

12. Any person who has been convicted under section 171-E or 171-F of the Indian Penal Code, or has been disqualified from exercising any electoral right for a period of not less than six years on account of illegal or corrupt practices in connection with an election, shall, for four years from the date of such conviction or disqualification, be disqualified from voting at an election to or being a member of a Board.

Qualification for being elected as a member.

13. (1) Subject to the provisions of this Act, a person who is enrolled in the list of voters of any constituency within a district, shall be qualified to be elected as a member for any of the constituencies in the district.

(2) Any person who ceases to be a member shall, if qualified under sub-section (1), and not otherwise disqualified, be eligible for re-election as such.

Disqualification for being elected as a member.

14. (1) Subject to the provisions of this Act, a person shall be disqualified for being elected as a member of a Board if such person at the date of election—

(a) is one who has been sentenced by any Court to imprisonment or whipping for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, or to death, such sentence having been subsequently commuted or altered to transportation or imprisonment:

Provided that on the expiry of such sentence, the disqualification incurred under this clause shall cease;

(b) is of unsound mind, a deaf-mute or a leper;

(c) holds any office or place of profit under Government or under the Board or under any local authority;

(d) is an undischarged insolvent;

(e) holds any judicial office with jurisdiction within the limits of the Board;

(f) is employed as paid legal practitioner on behalf of the Board, or as legal practitioner against the Board;

(g) having been a legal practitioner, has been dismissed or is under suspension by order of a competent court, the disqualification in the latter case being operative during the period of suspension;

(h) subject to the provisions of sub-section (2) has directly or indirectly by himself or his partner or if he belongs to a joint Hindu family, by any member of such family, any share or interest in any contract (except as a shareholder other than a Director in a company) or has employment with, by or on behalf of the board;

(i) has been dismissed from the service of the Government, Board or any local authority for misconduct and has been declared by a competent authority to be not eligible for further employment in public service;

(j) having been nominated as a candidate for the Board or having acted as an election agent of any person so nominated has failed to lodge a return of election expenses within the time and in the manner prescribed unless five years have elapsed from the date by which it ought to have been lodged or the Government have removed the disqualification.

(2) A person shall not be deemed to have incurred disqualification under clause (h) of sub-section (1) by reason only of his—

(a) receiving a pension from the Board;

(b) having any share or interest in;

(i) any lease, sale, exchange or purchase of land or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted;

(iv) any Joint Stock Company or any Society registered or deemed to be registered under the Hyderabad Co-operative Societies Act, 1952, which shall contract with or be employed by the President or executive officer on behalf of the Board;

(v) the occasional sale to the President or Executive officer on behaf of the Board of any article in which he regularly trades of a value not exceeding in the aggregate in any one financial year one thousand rupees;

(vi) the occasional letting out on hire to the Board or hiring from the Board of any article for an amount not exceeding in the aggregate in any one financial year, five hundred rupees;

(c) occupying as a tenant for the purpose of residence any premises belonging to the Board.

Appeals from decisions of Returning Officers.

15. (1) An appeal shall lie to the District Judge of the District in which the area of Board is situated as herein provided from any decision of a Returning Officer accepting or rejecting a nomination paper.

(2) Any candidate aggrieved by a decision of the Returning Officer accepting or rejecting a nomination paper may present an appeal therefrom to the District Judge within a period of seven days from the date of publication of the list of validly nominated candidates:

Provided that such candidate has, not later than 3 O'clock in the afternoon of the day next following the said date, given the Returning Officer a notice in writing of his intention to appeal under this section.

(3) If one or more notices has or have been received in accordance with the proviso to sub-section (2), the Returning Officer shall, immediately, after the expiry of the time mentioned in that proviso—

(a) publish the notices by affixing to his notice Board one copy of each of the notices together with an intimation in the prescribed form that the hearing of the appeals, if any, presented in pursuance of those notices will commence before the District Judge on the tenth day after the date of such publication; and

(b) send to the District Judge a copy of each of the notices, the intimation referred to in clause (a) and the list of validly nominated candidates.

(4) The Returning Officer shall, on application made by or on behalf of a candidate, supply forthwith to the applicant a copy of the decision accepting or rejecting a nomination paper together with the statement of reasons, recorded by him.

(5) In every appeal under this section, the appellant shall join as respondents all the candidates (other than himself) whose nominations have been accepted by the Returning Officer.

(6) The intimation affixed to the notice board of the Returning Officer under clause (a) of sub-section (3) shall be deemed to be sufficient notice, both of the presentation of an appeal under this section and of the date on which the hearing thereof shall commence before the District Judge, and it shall not be necessary to give any other notice to the appellants or the respondents and the appeal or appeals shall be deemed to have been fixed for peremptory hearing on the said date.

(7) Every appeal under this section shall be heard **de die in diem** and disposed of by the District Judge as expeditiously as possible, and his decision shall be communicated forthwith to the Returning Officer.

(8) Where one or more notices of intention to appeal has or have been given to the Returning Officer, but no appeal is presented within the period specified in sub-section (2) the District Judge shall immediately intimate that fact to the Returning Officer in the prescribed form.

(9) In every case where one or more notices of intention to appeal has or have been given to the Returning Officer, he shall, upon receipt of the communications of the District Judge referred to in sub-sections (7) and (8) republish by affixing to his notice board the list of validly nominated candidates after revising it, if necessary, in conformity with the decisions of the District Judge.

(10) The decision of the District Judge on appeal under this section, and subject only to such decision the decision of the Returning Officer accepting or rejecting the nomination of a candidate shall be final and conclusive and shall not be called in quesion in any court or tribunal, including the election tribunal,

Disqualification for continuing as member.

16. (1) Subject to the provisions of section 18, a member of a Board shall cease to be a member if he—

(a) is or becomes subject to any of the disqualifications specified in section 14;

(b) accepts employment under or becomes the official subordinate of any other member;

(c) ceases to reside in the district;

(d) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the Board, within three months from the date of service of a Bill or notice or if no bill or notice is required to be served under this Act, within three months from date of service of a notice requiring payment thereof issued by the President, or Executive Officer (which it shall be their duty to issue and cause to be served at the earliest convenient date);

(e) absents himself at more than three consecutive meetings of the Board unless leave so to absent himself (which shall not exceed six months) had been granted by the Board or absents himself for over six consecutive months from meetings of the Board:

Provided that no meeting from which a member absents himself shall be counted against him under this clause, if due notice of that meeting was not given to him.

Explanation.—A meeting held upon request under sub-section (2) of section 49 and a special meeting called under the said sub-section shall not be deemed to be a meeting within the meaning of this clause.

(2) Where a person ceases to be a member under clause (e) of sub-section (1), the President shall at once intimate the fact in writing to such person and report the same to the Board at its next meeting. If such person applies for restoration to the Board on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, whichever is later, the Board may at the meeting next after the receipt of such application or **suo motu** at the said meeting restore him to his office as member:

Provided that a member shall not be so restored more than twice during his term of office.

Prohibition of simultaneous representation.

17. (1) If a person is elected by more than one constituency, he shall by notice in writing, signed by him and delivered to the Collector within the prescribed time, choose any one of the constituencies which he shall serve and the choice shall be final.

(2) When any such choice has been made, the constituency or constituencies other than the constituency which such person has chosen to serve shall be called upon to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-section (1) of this section, the election of such person shall be void and all constituencies concerned shall be called upon to elect another person or persons.

Reference to the Election Tribunal.

18. (1) Whenever it is alleged that any person who has been elected as member of a Board is disqualified under section 12, sub-section (1) of section 13, or section 16 and such person does not admit the allegation or whenever any member is himself in doubt whether or not he has become disqualified for office under section 12, sub-section (1) of section 13 or section 16 such member or any other member may, and the President at the request of the Board shall refer the matter for decision to the election tribunal appointed under section 23.

(2) The said tribunal after making such inquiry as it deems necessary, shall determine whether or not such person is disqualified under sections 12, 13 or 16 and its decision shall be final.

(3) Pending such decision the member shall be entitled to act as if he were not disqualified.

Pubilcation of the names in the official Gazette.

19. The names of all members finally elected to any Board as well as the names of nominated members, if any, appointed thereto, shall be forthwith published in the official Gazette.

Election petition.

20. No election shall be called in question except by an election petition which shall contain such matters, claim such relief and be presented in such manner as may be prescribed.

Presentation of petitions.

21. An election petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) and (2) of section 27 and section 28 to the Election Tribunal by any candidate at such election or any voter in such form and within such time but not earlier than the date of publication of the names of the elected members under section 19 as may be prescribed.

Parties to the petition.

22. A petitioner shall join as respondents to his petition all the candidates who were duly nominated at the election other than himself if he was so nominated.

Appointment of Election Tribunal.

23. The Government shall appoint an Election Tribunal for trial of petitions in respect of an election under this Act, consisting of three persons who are or have been or are eligible to be appointed Judges of the High Court. The Election Tribunal shall deal with such petitions and proceedings in connection therewith in the prescribed manner.

Powers of the Tribunal.

24. The Tribunal shall have the powers which are vested in a court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters:—

(a) discovery and inspection;

(b) enforcing the attendance of witnesses; and requiring the deposit of their expenses;

(c) compelling the production of documents;

(d) examining witnesses on oath;

(e) granting adjournments;

(f) reception of evidence taken on affidavit; and

(g) issuing commissions for the examination of witnesses;

and may summon and examine **suo motu** any person whose evidence appears to it to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Decision of the Tribunal.

25. At the conclusion of the trial of an election petition, the Tribunal shall make an order—

(a) dismissing the election petition; or

(b) declaring the election of the returned candidate to be void; or

(c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected; or

(d) declaring the election to be wholly void.

Other orders to be made by the Tribunal.

26. (1) At the time of making an order under section 25 the Tribunal shall also make an order—

(a) Where any charge is made in the petition of any corrupt or illegal practice having been committed at the election, recording—

(i) a finding whether any corrupt or illegal practice has or has not been proved to have been committed by, or with the connivance of, any candidate or his agent at the election, and the nature of that corrupt or illegal practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt or illegal practice and the nature of that practice, together with any such recommendations as the Tribunal may think proper to make for the exemption of any persons from any disqualifications which they may have incurred in this connection under rules made under section 200; and

(b) fixing the total amount of costs payable and specifying the persons by and to whom the costs shall be paid :

Provided that no person shall be named in the order under sub-clause (ii) of clause (a) unless:—

(a) he has been given notice to appear before the Tribunal and to show cause why he should not be so named; and

(b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Tribunal and has given evidence against him, of calling evidence in his defence and of being heard.

(2) Any order as to costs under clause (b) of sub-section (1) may include a directon for the payment of costs to the Advocate-General or Government Pleader or any other Pleader.

Grounds for declaring election to be void.

27. (1) If the Tribunal is of opinion—

(a) that the election has not been a free election by reason that the corrupt practice of bribery or of undue influence has extensively prevailed at the election; or

(b) that the election has not been a free election by reason that coercion or intimidation has been exercised or resorted to by any particular community, group or section on another community, group or section, to vote or not to vote in any particular way at the election; the Tribunal shall declare the election to be wholly void.

Explanation.—In clause (b) of this sub-section, the expression 'coercion' or 'intimidation' means any interference or attempt to interfere by whatever means with the free exercise of the right to vote or refrain from voting at an election, and includes a social or economic boycott of members of a community, group or section, or threat of such boycott, with intent to interfere with the free exercise of such right by those members.

(2) Subject to the provisions of sub-section (3) if the Tribunal is of opinion—

(a) that the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by any corrupt or illegal practice; or

(b) that any corrupt practice specified in the rules made under section 200 has been committed by a returned candidate or his agent or by any other person with the connivance of a returned candidate or his agent; or

(c) that the result of the election has been materially affected by the improper reception of any vote which is void, or by any non-compliance with the provisions of the Constittuion or of this Act or of any rules or orders made under this Act or of any other Act or rules relating to the election, or by any mistake in the use of any prescribed form;

the Tribunal shall declare the election of the returned candidate to be void.

(3) If in the opinion of the Tribunal, a returned candidate has been guilty by an agent other than his election agent, of any corrupt practice but the Tribunal is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the sanction or connivance, of the candidate or his election agent;

(b) that all such corrupt practices were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election;

(c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt or illegal practices at the election; and

(d) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate or any of his agents;

then the Tribunal may decide that the election of the returned candidate is not void.

Grounds for which a candidate other than the returned candidate may be declared to have been elected.

28. If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Tribunal is of opinion—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate by corrupt or illegal practices the petitioner or such other candidate would have obtained a majority of the valid votes, the Tribunal shall after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

Procedure in case of an equality of votes.

29. If during the trial of an election petition it appears that there is an equality of votes between candidates at the election and that the addition of a vote would entitle any of those candidates to be declared eletcted, then—

(a) any decision made by the Returning Officer, under the provisions of this Act, shall, in so far as it de-

termines the question between those candidates, be effective also for the purposes of the petition; and

(b) in so far as that question is not determined by such a decision, the Tribunal shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

Communication of orders to the Collector and the transmission of the records of the case.

30. The Tribunal shall, after announcing the orders made under sections 25 and 26 send a copy thereof along with the records of the case to the Collector.

Difference of opinion among the Members of the Tribunal.

31. If during the trial of an election petition there is a difference of opinion among the members of the Tribunal on any matter or if at the conclusion of such trial there is a difference of opinion among them on any question regarding the orders to be made under sections 25 and 26 the opinion of the majority shall prevail, and the orders of the Tribunal shall be expressed in terms of the views of the majority.

Orders of the Tribunal to be final and conclusive.

32. Every order of the Tribunal made under this Act shall be final and conclusive and shall not be called in question in any Court or Tribunal.

Orders to take effect only on publication.

33. An order of the Tribunal under section 25 and 26 shall not take effect until it is published in the official Gazette.

Term of Office.

34. (1) Except as is otherwise provided in this Act, members shall hold office for a term of three years:

Provided that the Government may, by notification in the official Gazette, for sufficient cause which shall be stated therein, direct that the term of office of the members of any Board as a whole be extended by such period or periods, not exceeding one year, as may be specified in the notification.

(2) (a) The term of office of such members shall be deemed to commence on the date of the first meeting called by the Collector under section 36.

(b) The term of office of the outgoing members shall be deemed to extend to and expire with the day before the date of such meeting.

Procedure when no member is elected.

35. (1) If at a general election or a bye-election to a Board held under section 11 no member is elected, a fresh election shall be held, as soon as may be, on such date as the Government may fix in this behalf.

(2) If at such fresh election no member is elected, the Government shall appoint a person or persons to fill the vacancy or vacancies. The person or persons so appointed shall be deemed to be elected members for the purpose of this Act.

(3) The term of office of a member elected or appointed under this section shall expire at the time at which it would have expired if he had been elected at the general election or bye-election, as the case may be.

Election of President and Vice-President.

36. (1) The first meeting of the Board shall be called by the Collector within thirty days from the date of publication of the names of members in the official Gazette under section 19 to elect a President and a Vice-President from amongst the members. The Collector shall preside over such meeting but shall not be entitled to vote.

(2) If at an election held under sub-section (1), no President or Vice-President is elected, a fresh election shall be held within thirty days from the date of the first election.

Vacancy in the office of the President or Vice-President.

37. (1) The President or the Vice-President shall be deemed to have vacated his office—

(a) on the expiry of his term of office as member of the Board or on his otherwise ceasing to be a member;

(b) on his election as Mayor or Deputy Mayor of a Municipal Corporation, constituted under the Hyderabad Municipal Corporations Act, 1950 or President or Vice-President of a Municipality, constituted under the Hyderabad Municipal and Town Committee's Act, 1951 or Chairman or Vice-Chairman of a Mines Board of Health;

(c) on his removal from office as such President or Vice-President by the Government for not commanding the confidence of the Board, to be evidenced by a resolution of the Board moved in accordance with the procedure prescribed.

(2) An outgoing President or Vice-President shall, if otherwise qualified, be eligible for re-election.

Resignation of President or Vice-President or Member.

38. The President, Vice-President or any member may resign his office as such President, Vice-President or member by giving notice in writing to the Board:

Provided that no resignation tendered by the President, Vice-President or member shall take effect until it has been accepted by the Board.

Removal of members for misconduct, etc.

39. (1) The Government may, if it thinks fit on a resolution passed by the Board, remove any member elected or appointed under this Act, after giving him an opportunity of being heard and after full satisfaction that such member has been guilty of misconduct in the discharge of his duties or is guilty of any disgraceful conduct or has become incapable of performing his duties as a member:

Provided that two-third of the whole number of members vote in favour of such resolution.

(2) Any removal of member under sub-section (1) shall disqualify the person so removed for re-election to the vacancy caused for the period during which he would have continued as a member.

Filling up of casual vacancies.

40. (1) Any vacancy in the office of the President or the Vice-President due to death, resignation or removal or becoming incapable of acting as such or otherwise ceasing to be a President or Vice-President previous to the expiry of his term of office, shall be filled by the Board by election of a person thereto, who shall hold office so long only as the President or the Vice-President in whose place he is elected, would have held it if the vacancy had not occurred.

(2) Any vacancy in the office of a member due to any of the causes mentioned in sub-section (1) shall be reported by the Executive Officer to the Collector. Such vacancy shal be filled by election of a person thereto, who shall hold office so long only as the member in whose place he is elected would have held it if the vacancy had not occurred.

CHAPTER III.

Subordinate Agencies, Committees and Office-Bearers.

Board to appoint Committees.

41. (1) Every Board shall appoint the following Committees:—

(1) Standing Committee;
(ii) Public Health Committee;
(iii) Works and Communications Committee;
(iv) Education and Rural Development Committee;

(2) The President shall be a member and the Chairman of the Standing Committee and the Works and Communications Committee and the Vice-President shall be a member and the Chairman of the Public Health Committee and the Education and Rural Development Committee. The other members of each Committee shall be elected on the basis of proportional representation by means of the single transferable vote. In the absence of the Chairman, the Committee may appoint any other member to officiate as Chairman.

(3) The total number of members of each Committee shall be not more than seven and not less than four.

Functions of Committees.

42. (1) The Standing Committee shall frame the budget, scrutinise proposals for increase of revenue, examine receipts and expenditure statement, consider all new proposals affecting finance, genrally supervise the revenue and expenditure of the Board and enunciate policies to be adopted by the Board before they are submitted to the Board and shall also exercise such other powers as may be delegated to it by the Board.

(2) The Public Health Committee shall perform such duties and exercise such powers of the Board as may be delegated to it by the Board in regard to matters of public health and sanitation and shall give effect to the provisions of this Act and the rules framed thereunder and may delegate any of its duties and powers to any mmber or officer of the Board. Such member or officer shall conform to any instructions that may, from time to time, be given by the Board. The committee may at any time withdraw any of the duties or powers so delegated.

(3) The Works and Communications Committee shall lay out proposals of works to be undertaken by the Board and perform such other functions as may be delegated to it by the Board.

(4) The Education and Rural Development Committee shall lay out proposals on matters relating to construction of Primary School buildings and other equipment and rural development and perform such other functions as may be delegated to it by the Board.

Sub-committees.

43. (1) The Board may from time to time, appoint out of its own body such Sub-Committees consisting of such number of members as it may deem necessary and may refer to such Sub-Committees for enquiry and report

or for opinion such other matters relating to the purposes of this Act as it shall think proper and direct that the report of any such Sub-Committees shall be submitted to the Board.

(2) A Sub-Committee may, from time to time, by a resolution supported by not less than one half of its members co-opt for the transaction of any particular business, as members, any persons who are not members of the Sub-Committee.

(3) Co-opted members shall not have the right to vote and shall be liable to be removed by thee Sub-Committees by a resolution supported by not less than one half of its members.

Joint Committees.

44. (1) A Board may, with the sanction of the Government, from time to time, concur with any other Board or with any Muncipality, Local Authority or Cantonment or with more than one such Board, Municipality, Cantonment or local authority—

(a) in appointing out of their respective bodies a Joint Committee for any purpose in which they are jointly interested and in appointing a Chairman of such Committee;

(b) in delegating to any such Committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

(c) in framing rules for regulating the proceedings of any such Committee and the conduct of correspondence relating to the purposes for which it was appointed:

Provided that the rules framed under this clause shall not be enforced unless they have been confirmed by the Government.

(2) A Board may, from time to time, subject to the sanction of Government, enter into an agreement with any other Board, Municipality, Cantonment, local authority or any other Committee, for the levy of any tax or taxes jointly instead of separately and the apportionment of the proceeds of such taxes.

(3) If any difference of opinion arises between the local bodies in respect of any matter arising out of such action, the decision thereupon of the Government or of such officer as may be appointed by Government in this behalf, shall be final:

Provided that where one of the local bodies is a cantonment authority, the decision of the Government or of the officer, shall be subject to the concurrence of the Central Government.

Functions and emergency powers of President.

45. (1) The President shall—

(a) preside at the meetings of the Board;

(b) watch over the financial and executive administration of the Board and submit to the Board all questions connected therewith which shall appear to him to require its orders;

(c) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration and in matters concerning the accounts and records of the Board;

(d) furnish to the Collector or to such officer as the Government may, from time to time, nominate in this behalf, a copy of every resolution passed at every meeting of the Board and any extract from the minutes of the proceedings of the Board or other document or thing which the Collector or the other officer duly authorised by the Government may, from time to time, call for; and

(e) discharge such other functions and exercise such other powers as may be imposed or conferred upon him by this Act or any other law or by any rules or bye-laws made under this Act or any other law.

(2) The President may, in cases of emergency direct the execution or stoppage of any work or the doing of any act which requires the sanction of the Board, and the immediate execution, stoppage or doing of which, is, in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing such work or doing such as be paid from the district Fund:

Provided that

(a) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or of any particualr act, and

(b) he shall report forthwith the action taken under this section and the reasons therefor to the Board at its next meeting.

Functions of the Vice-President.

46. The Vice-President shall—

(a) in the absence of the President preside at the meetings of the Board;

(b) exercise such of the powers and perform such of the duties of the President as the President, from time to time, may delegate to him; and

(c) pending the election of a President, or during the absence of the President on leave, exercise the powers and perform the duties of the President.

Consequence of absence of President or Vice-President without leave.

47. (1) Every President or Vice-President, who for a period exceeding three months absents himself from the district for which the Board is established, in such manner as to be unable to perform his duties as such President or Vice-President, shall cease to be the President or Vice-president as the case may be, unless leave so to absent himself has been granted in the case of the President by the Board or in the case of a Vice-President by the President.

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months. Whenever leave is granted to a President or Vice-President thereunder, the Board shall elect one of its members to exercise all the powers and perform all the duties of a Vice-President who is exercising the powers and performing the duties of the President or who is absent on leave during the period for which such leave is granted.

Executive powers vested in the Executive Officer of the Board.

48. (1) Every Board shall have an Executive Officer appointed by Government.

(2) The resolutions of a Board shall be carried into effect by the Executive Officer in whom shall vest the executive powers of the Board.

(3) Except as otherwise provided in this Act, the Executive Officer shall have the power to—

(i) convene meetings of the Board and maintain the minutes of the proceedings thereof;

(ii) receive, recover and credit to the District Fund any sum due or tendered to the Board;

(iii) grant, refuse, suspend or withdraw all licences except licences for markets;

(iv) appoint, grant leave of absence to, suspend, punish or dismiss servants of the Board whose monthly salary does not exceed Rs. 30;

(v) present bills for taxes or other dues;

(vi) cause notices of demand to be served;

(vii) prefer complaints in prosecution by the Board and initiate or conduct proceedings, civil or criminal or otherwise, on behalf of the Board;

(viii) participate in the meetings of the Board but not to vote or move any motion;

(ix) exercise supervision and control over the acts of all the officers and servants of the Board in matters of executive administration and in matters relating to accounts and records of the Board;

(x) exercise any other power delegated to him by the Board.

CHAPTER IV.

Conduct of Business.

Meetings of Board.

49. (1) A Board shall meet not less than once in every two months at such time and place as the President may determine.

(2) The President shall fix the dates for the meetings hereinbefore specified and may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the whole number of members and for a date within twenty-one days from the date of receipt of such request, call a special meeting.

Notice of meetings.

50. Fifteen clear days' notice of an ordinary meeting and eight clear days' notice of a special meeting syecifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the members and posted at the Board's Office. Such notice shall include in the case of a special meeting any motion or proposition mentioned in any written request made for such meeting.

Quorum.

51. If less than one-third of the whole number of members is present at a meeting, the presiding authority shall adjourn the meeting to such time on the following day or some other future day as he may fix. A notice of the meeting so fixed shall be posted in the Board's Office. The business which could not be considered at the meeting so postponed for want of a quorum shall be brought before and disposed of at the meeting so fixed or at any subsequent adjourned meeting irrespective of whether there be a quorum or not.

Meetings open to public.

52. Every meeting shall be open to the public unless the presiding authority deems any enquiry or deliberation before the Board to be such that it should be held in camera. The Presiding authority may at any time cause any person to be removed who interrupts the proceedings.

53. All questions shall be decided by a majority of votes of the members present and voting, the presiding authority having a casting vote in all cases of equality of votes. Decisions how arrived at.

54. (1) Except with the permission of the presiding authority which permission shall not be given in the case of a motion or proposition to modify or cancel a resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any ordinay meeting unless it has been entered in the notice convening such meeting or in the case of a special meeting, in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal. Bar of transaction of business.

(2) Any meeting may be postponed from time to time with the consent of a majority of the members present but no fresh business shall be taken up for consideration at the next ensuing meeting until the business left undisposed of at the last meeting has been disposed of.

55. No resolution of the Board shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by more than one-half of the whole number of members and passed at such meeting the notice of which has been given fulfilling the requirements of section 50 and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution. Bar of modifying or cancelling the resolution.

56. (1) Every motion or any amendment thereof shall be received in writing and then duly moved. Every motion shall be seconded and until seconded, no debate thereon shall take place nor shall it be put to vote. No amendment which merely negatives the original motion shall be allowed. Motions and amendments.

(2) Any motion or amendment may be withdrawn by its proposer with the consent of the Board.

(3) An amendment to an amendment may be moved at any stage of the debate.

(4) On the conclusion of the debate, in the event of there being several amendments to an amendment the presiding authority shall put the last amendment to vote first and after it is negativated, the next preceding amendment shall be put to vote and so on until all the amendments are disposed of. The original motion or the amended motion as the case may be, shall then be put to vote.

(5) When any motion or amendment involves many points, the presiding authority may divide it and put each point to vote separately.

(6) When a motion or amendment has been put to vote and declared by the presiding authority as carried no further proposals for amending the motion or amendment shall be entertained.

Conduct of ordinary meetings.

57. At ordinary meetings business shall be conducted in the following order :—

(a) The minutes of the previous ordinary meeting and of any special meeting held since shall be read and if approved by the majority of the members shall be confirmed;

(b) business postponed at the previous meeting shall be considered;

(c) subjects noted on the agenda shall be considered in such order as the presiding authority may determine.

Moving of Resolution.

58. A member may propose any resolution connected with or incidental to the subjects included in the list of business, or with the consent of the majority of the members present a resolution on any matter not so included.

Preservation of order.

59. (1) The presiding authority of the meeting shall preserve order. All points of orders shall be decided by him with or without discussion, as he may deem fit, and his decision shall be final.

(2) The presiding authority may direct any member whose conduct is in his opinion, disorderly, to withdraw immediately from the meeting of the Board and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting:

Provided that the presidnig authority may withdraw such order on receiving any apology from the member or without such apology.

(3) The presiding authority may, in the case of grave disorder arising in any meeting, suspend the meeting for a period not exceeding three days.

(4) If any person, who has been ordered to withdraw, unlawfully remains in the meeting, the presiding authority may take such steps, as he may deem fit, to cause him to be removed.

(5) Any question of procedure not herein provided for, shall be decided by a majority of the members present and voting.

Members when to abstain from voting or taking part in decision.

60. (1) No member of a Board or a Committee or Sub-Committee thereof or a Joint Committee shall vote on or take part in the decision of any question coming up for consideration at a meeting of the Board or Committee, if the question is one in which, apart from its general application to the public, he has by himself or his partner any direct or indirect pecuniary interest.

(2) The presiding authority may, on his own motion or on the motion of any member present, prohibit member from voting or taking part in a discussion on any matter in which he believes such member to have such interest, or require such member to absent himself during the discussion.

(3) Such member may challenge the decision of the presiding authority who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

Minutes.

61. Minutes of every meeting of the Board, Committee, or Sub-Committee shall be recorded in a minute book specifying the names of the persons present at the meeting. The Board shall confirm the minutes at the next ensuing meeting. The minute book shall during office hours be open to inspection by any member or any inhabitant of the district.

Circulation of proposals when meeting cannot be convened.

62. (1) If in an emergency, the President finds it difficult to convene a meeting, he may circulate a written proposition of his own or of any other member for the observations and the votes of the members of the Board.

(2) The dceision of any proposition so circulated shall be in accordance with the majority of votes of the members who thus vote upon it.

(3) Every decision arrived at by the Board under this section shall be recorded in the minute book and the minutes confirmed at the next meeting of the Board.

Rights of individual members.

63. (1) Any member may call the attention of the President to any neglect in the execution of the work of the Board, to any waste of property of the Board or to the wants of any locality within the district and suggest any improvements which may appear desirable.

(2) Every member shall have the right to interpellate the President on matters connected with the administration of the Board subject to such rules as may be prescribed.

Certain Government Officers to attend meeting of the Board.

64. If it shall appear to the Board that the presence of the Executive Engineer, the Inspector of Schools, the Civil Surgeon, the Agricultural Officer, the Veterinary Officer, the Social Service Officer, the Forest Officer, the Assistant Registrar of Co-operative Societies, or any officer charged with any of the duties of these officers in the District, is desirable at any meeting of the Board or of any Committee or Sub-Committe thereof, the Board may by letter addressed to such officer not less than 15 days previous to the intended meeting require his presence thereat. The said officer shall, unless his superior officer has any objection thereto or is prevented by sickness or other reasonable cause, attend such meeting, but shall not be entitled to vote thereat.

Vacancy or irregularities not to invalidate the proceedings.

65. (1) No act of a Board or of any person acting as President, Vice-President, Chairman or member thereof shall be deemed to be invalid by reason only of some defect in the appointment of such Board or election or appointment of such President, Vice-President, Chairman or member, or on the ground that they or any of them were disqualified for such office or that notice of a meeting of the Board was not duly given or for any other informality.

(2) Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a Board, Committee or Sub-Committee.

CHAPTER V.

Property, Contracts and Liabilities.

Property vested in the Board.

66. (1) The Government may, from time to time, direct that any road, bridge, channel, building or other property, movable or immovable, which is vested in the Government and which is situated within a district, shall, with the consent of the Board of such district, and subject to such exemptions and conditions as the Govern-

ment, may make and impose, be placed under the control and administration of the Board for the purposes of this Act, and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the Board, subject to all the exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

(2) The Government may, from time to time, by notification in the Official Gazette, resume any property placed under the control of the Board under sub-section (1), on such terms as the Government may determine with the consent of the Board.

Acquisition of land for Board.

67. When any land is required whether within or without the area subject to the jurisdiction of a Board, for the purposes of this Act, the Government may on the request of the Board proceed to acquire it under the provisions of the Hyderabad Land Acquisition Act, 1309 F., and on payment by the Board of the compensation awarded under that Act, and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the Board. Such acquisition shall be deemed to be acquisition for a public purpose within the meaning of the said Act.

Management of public institutions.

68. (1)The management, control and administration of every public institution maintained out of the District Fund shall vest in the Board.

(2) When any public institution has been placed under the direction, management and control of the Board, all property, endowments and funds belonging thereto shall be held by the Board in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed:

Provided that the extent of the independent authority of the Board in respect of any such institution may be prescribed.

Transfer of Board's property to the Government.

69. The Board may, with the sanction of Government, transfer to the Government any property vested in the Board under sections 66, 67 or 68 but not so as to effect any trust or public right subject to which the property is held.

Other transfers of Board's property.

70. Subject to such exceptions as the Government may by general or special order direct, no Board shall transfer any immovable property except in pursuance of a reso-

lution passed at a meeting by majority of not less than two-thirds of the whole number of its members and in accordance with rules made under this Act, and no Board shall transfer any property which has been vested in it by the Government except with the sanction of the Government:

Provided that nothing in this section shall apply to leases of immovable property for a term not exceeding three years.

Auctions.

71. The Board shall have the power to hold auctions and to enter into contracts pertaining to such auctions:

Provided that when the period of such contract exceeds one year but does not exceed three years, the sanction of the Secretary, Local Government Department and when it exceeds three years, the sanction of the Govrnment shall be obtained.

Saving of the Local Authorities Loans A'in, 1352 F.

72. Nothing contained in this Act shall affect the Local Authorities Loans A'in, 1352 F.

Mode of making contracts.

73. (1) The President may, on behalf of the Board enter into any contract or agreement, the amount or value of which shall not exceed one thousand rupees, in such manner and form as according to the law for the time being force, would bind him if such contract or agreement were on his behalf.

(2) Every other contract or agreement where the amount or the value of the contract or agreement exceeds rupees one thousand, shall be in writing and be signed with the previous approval of the Board by the President and two other members on behalf of the Board and sealed with the common seal of the Board.

(3) No contract or agreement not executed as provided in this section, shall be binding on a Board.

Improper interest in contracts.

74. (1) No member, officer or servant appointed or employed under this Act shall in any way be interested directly or indirectly in any contract made with a Board.

(2) If any such officer or servant is so interested or under colour of this office or employment accepts any fee or reward whatsoever other than his proper salary and allowances, the Board or, in the case of officers whose appointment is subject to the approval of the Government or of any Government officer, the Government may de-

clare that he shall be incapable of holding or continuing in any office or employment under this Act.

(3) Nothing in this section shall bar a criminal prosecution under section 75.

Explanation:—A person shall not by reason only of being a shareholder in, or a member of, any incorporated or registered company, be deemed to be interested in any contract entered into between the company and the Board, but he shall not take part in any proceedings of the Board relating to any such contract.

Penalty for improper interest in contracts.

75. If any member, officer or servant of a Board is directly or indirectly interestd in any contract made with such Board, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

Bar of suit in respect of act done in good faith.

76. No suit shall be maintainable against any Board or any member, officer or servant thereof or any person acting under the direction of any such Board, member, officer or servant in respect of anything lawfully and in good faith and with due care and attention done under this Act or any rule, or bye-law made thereunder.

Bar of suit in absence of notice.

77. No suit shall be instituted against any Board or any member, officer or servant thereof or any person acting under the direction of any such Board, member, officer or servant for anything done or purporting to be done under this Act, until the expiration of two months next after a notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims. Such notice shall be in the case of a Board delivered or left at its office in the case of any such member, officer, servant or person as is aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

Liability for loss, waste or misappropriation of money or property.

78. (1) If any member, officer or servant of a Board makes or directs to be made any payment or application of money or other property belonging to or under the control of such Board to any purpose not authorised by or under this Act, or assents to, or concurs with or participates in any affirmative vote or proceeding relating thereto, he shall be individually liable to such Board for the loss or damage caused thereby, unless he proves that he acted in good faith and with due care and attention.

(2) Every member or officer or servant of a Board shall be liable to such Board for the loss of any money or the loss of or damage to other property belonging to it or under its control if such loss or damage is a direct consequence of his negligence or misconduct.

(3) Notwithstanding anything contained in section 77, a suit under this section may be instituted by the Government or the Board with the previous sanction of Government.

Power of Board to compromise suits.

79. Subject to rules made under this Act, a Board may compromise any suit instituted by or against it, or any claim or demand arising out of any contract entered into by it in accordance with this Act for such sum of money or other compensation as shall be deemed sufficient.

CHAPTER VI.

Duties and Powers of Boards.

Duties of Boards.

80. (1) Subject to such rules as the Government may, from time to time, prescribe, it shall be the duty of a Board, in addition to other duties imposed upon it by this Act or by any other law or order having the force of law for the time being in force and in so far as the funds at its disposal may admit, to undertake and make reasonable provision for the following matters within the limits of the area subject to its authority and not legally included in the authority of the Government or any other local authority, namely:—

(a) the construction, repair and maintenance of public roads and other means of communication which are not under the control of any other local body or of the Government;

(b) the planting and preservation of trees by the side or in the vicinity of roads and on other public grounds in its control;

(c) the establishment, management and maintenance of markets other than markets regulated by the Hyderabad Agricultural Markets Act, 1339 Fasli, travellers' bungalows, musafirkhanas, chauris, rest-houses and other public institutions, and the construction and repair of all buildings connected with such institutions;

(d) the construction and repair of public tanks, wells and water works for the supply of water from them and from other sources and the construction and maintenance of works for the preservation from pollu-

tion of water used for drinking, cooking and other domestic purposes;

(e) the construction, management and maintenance of cattle pounds;

(f) the management of such public ferries as may be entrusted to its charge;

(g) the improvement of villages inculding the acquisition of land for the extension of village sites;

(h) the promotion of vaccination;

(i) other measures necessary for the public health and sanitation including the control of sanitation during an Urs, Jatra or other fair, festival or public assemblage and such measures as may be required to prevent the outbreak, spread or recurrence of infectious disease;

(j) the construction and maintenance of primary school buildings for boys and girls and the provision of school equipment and playgrounds;

(k) the maintenance of any building or other property vested in the Board; and

(l) the printing and publishing of such annual or periodic reports on the whole or any branch of its administration as the Government may by general or special order, require the Board to submit.

(2) No suit for damages or for specific performance shall be maintainable against any Board or any officer or member thereof, on the ground that any of the duties specified in sub-section (1) have not been performed.

Discretionary powers of a Board.

81. Subject to such rules as the Government may from time to time prescribe, it shall be within the discretion of a Board, in addition to the duties imposed upon it under the provisions of this Act or any other law for the time being in force, to undertake and make provision for the following matters within the limits of its jurisdiction, namely:—

(a) the encouragement and development of Co-operative Societies;

(b) the improvement of cattle and other livestock;

(c) the promotion of agriculture local arts, industries, commerce and other measures tending to the economic welfare of villagers;

(d) the provision of public parks and recreation grounds;

(e) the construction of libraries and reading rooms and the furthering of educational objects other than the construction and maintenance of primary school buildings;

(f) the destruction or the detention and preservation of ownerless dogs;

(g) the holding and management of fairs and cattle, poultry, agricultural and industrial shows and exhibitions;

(h) the reclaiming of unhealthy localities, the laying out of new village-sites, the building of model villages, and the grant of loans to private persons or associations for the above purpose;

(i) the organisation and maintenance of relief works in times of famine or scarcity;

(j) the construction, repair, maintenance and management of medical and veterinary dispensaries;

(k) the establishment and maintenance of maternity services and child welfare centres;

(l) the purchase of medicines;

(m) the provision of houses for any class of servants employed by the Board;

(n) the eradication of Bengal Hyacinth and other noxious plants and prevention of water-logging in ayacuts;

(o) the afforestation, in co-operation with or on the advice of the Forest Department of any waste or other lands, to prevent erosion, to increase the local supply of fuel or to provide green manure;

(p) the construction, repair, maintenance and management of minor tanks for the purpose of irrigation in co-operation with or on the advice of the public works Department; and

(q) any other matter not hereinbefore specifically named which is likely to promote the health, comfort or convenience of the public.

CHAPTER VII.

Sanitary and Other Powers.

Powers to enter and inspect, buildings, etc.

82. The president, the Executive Officer or any person authorised by the Board in this behalf may at any time between sunrise and sunset, on giving notice in the manner hereinafter provided, enter into and inspect all

buildings and lands, and by written notice direct that all or any part thereof, shall be cleansed, cleared or otherwise put in a proper state for sanitary reasons.

Insanitary buildings.

83. Whoever, being the owner or occupier of any building or land whether tenantable or otherwise allows the same to be, in an insanitary or unwholesome state or, in the opinion of the Board, a nuisance to persons residing in the neighbourhood, or overgrown with prickly pear or rank and noisome vegetation, and who, when required by a notice, in writing, from any person authorised by the Board in this behalf, to cleanse, remove or otherwise put the same in a proper state, does not comply with the said requisition within a reasonable time from the receipt thereof, shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty rupees, and if the offence be a continuing one, to a further fine not exceeding five rupees for every day during which the said offence is continued after conviction.

Powers with regard to sources of water.

84. The President, the Executive Officer or any person authorised by the Board in this behalf, may, at any time, by written notice, require that the owner of, or any person who has control over, any well, stream, channel, tank or other sources of water-supply whether it is private or not shall—

(a) if the water is used for drinking—

(i) keep and maintain any such source of water supply, other than a stream, in good repair, or

(ii) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(iii) in such manner as the Board directs, protect any such source of water supply from pollution by surface drainage, or

(iv) desist from using and from permitting others to use for drinking purposes any such source of water-supply which not being a stream in its natural flow, is in the opinion of the Board unfit for drinking, or

(v) if notwithstanding any such notice under subclause (iv) such use continues and cannot in the opinion of the Board be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the Board considers sufficient to prevent such use of such source of water-supply, or

(vi) drain off or otherwise remove from any such source of water supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Board considers is injurious to health or offensive to the neighbourhood;

(b) within twenty-four hours of such notice, repair, protect or enclose in such manner as the Board may direct or approve any such source of water supply whether used for drinking purposes or not, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure such source of water-supply is in the opinion of the Board dangerous to the health or safety of the public or of any person having occasion to use, pass by or approach the same.

Remedy on non-compliance with directions issued.

85. If the owner or the person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of section 84, the Board may, and, if in the opinion of the President immediate action is necessary to protect the health or safety of any person, shall, at once proceed to execute the work required by such notice, and all the expenses incurred thereon shall be paid by the owner of, or person having control over, such water supply and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter X:

Provided that in the case of any well or private stream or any private channel, tank or other source of water supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by such owner or person having control may, if the Board so directs, be paid from the District Fund at the disposal of such Board.

Power to set apart public springs, etc. for certain purposes and to prohibit use of water from certain sources.

86. (1) The Board may, by public notice which shall be put up at the spring, tank, well or other place concerned as required by section 185, set apart any public spring, tank, well or other place or any public water source or any part thereof for drinking purposes or for bathing or for washing clothes or animals or for any other purposes calculated to promote the health, cleanliness, comfort or convenience of the inhabitants; and may also set apart with the consent of the owner, any private spring, tank, well or other place for any of the aforesaid purposes.

(2) The Board may, during epidemics, on receipt of a certificate from any Medical Officer of the Board or of the Government stating that such action is desirable, summarily by notice prohibit the use of water from any

source to which the public have access. Such notice shall be served by putting up a copy thereof near the source of water supply and by beat of drum in the locality stating the number of days for which such prohibition shall last. The Board may extend or modify the notice from time to time.

Penalty for using places set apart for other purposes.

87. Whoever—

(a) bathes in or defiles the water in any place set apart for drinking purposes by the Board or in the case of private property by the owner thereof, or

(b) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid, for drinking purposes, or

(c) washes clothes in any place set apart as aforesaid for drinking purposes or for bathing, or

(d) washes any animal or any cooking utensils or wool, skins or other foul or offensive substance or deposits any offensive or deleterious matter in any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes, or

(e) allows the water from a sink, sewer, drain engine or boiler or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes,

shall on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, and if the offence be a continuing one, to a further fine not exceeding ten rupees for every day during which the said offence is continued after conviction.

Abatement of nuisance from foul water.

88. When any pool, ditch, tank, pond, well, hole or any waste or stagnant water or any channel or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise, shall appear to the Board to be likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, the Board may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measures as shall in its opinion, be necessary to abate or remove the nuisance.

Closing of places for the disposal of the dead.

89. (1) If the Board is of opinion that any place within its jurisdiction which is used for the disposal of the dead is in such a state as to be, or to be likely to be injurious to health, it may submit its opinion with the reasons therefor, to the Government. The Government may, thereupon, after such further enquiry as may be necessary, by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the notification.

(2) A copy of the said notification with a translation thereof in the local language of the district shall be posted at the office of the Board and in one or more conspicuous spots on or near the place to which it relates and notice thereof shall also be given in the locality by beat of drum.

(3) Any person who buries or otherwise disposes of any corpse in any such place after the date specified in the said notification for the closure thereof, or buries any corpse in any unoccupied Government land not set aside for the burial of the dead under the provisions of any law for the time being in force or by established usage shall, on conviction before a Magistrate, be liable to a fine not exceeding one hundred rupees.

Registration of burial and cremation grounds.

90. (1) Every owner or person having the control of any place used at the date of the coming into operation of this Act as a place for burying, cremating or otherwise disposing of the dead shall, if such place be not already registered apply to the Board to have such place registered.

(2) If it appears to such Board that there is no owner or person having the control of such place, the Board shall assume such control and register such place or may close it.

Licensing of places for the disposal of the dead.

91. (1) No new place for the disposal of the dead whether private or public, shall be opened, formed, constructed or used unless license has been obtained from the Board.

(2) Application for a licence shall be accompanied by a plan of the place to be registered showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such other particulars as the Board may require.

(3) The Board may after such enquiry as it may deem fit grant or refuse a licence.

(4) The Government may cancel, modify or revise the order passed by a Board under sub-section (3).

Provision of burial and cremation grounds and crematoria.

92. The Board may, and if no sufficient provision exists, shall provide at the cost of the District Fund, places to be used as burial or cremation grounds or crematoria and may if it deeems necessary charge fees for the use thereof.

President, etc. to have power of entry for inspection into buildings, etc., where infectious disease exists

93. (1) The President, the Executive Officer or any person authorised by the Board in this behalf, may, at any time, after reasonable notice enter into any building or premises for the purposes of inspecting such building or premises if he has reasons to believe that any dangerous infectious disease exists therein.

(2) No such inspection shall be made except between sunrise and sunset.

(3) If the Board is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous infectious disease it may by notice, require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice:

Provided that if the Board considers that immediate action is necessary or that the owner or occupier is by reason of poverty or otherwise unable effectually to comply with its requisition, the Board may itself cause such building or premises or articles to be cleansed or disinfected and for this purpose may cause such articles to be removed from such building or premises and the expenses incurred under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectualy to comply with its requisition.

Board to notify places for washing and disinfecting articles exposed to infection.

94. (1) The Board shall, from time to time notify places at which clothes, bedding or any other articles which have been exposed to infection from any dangerous infectious disease may be washed or disinfected.

Infected articles may be destroyed.

(2) The Board may direct the destruction of clothes, bedding or other articles likely to retain such infection and shall on application give compensation for the articles destroyed.

Penalty.

(3) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (1) shall, on convic-

tion before a Magistrate, be liable to a fine not exceeding fifty rupees.

Information regarding infectious disease.

95. (1) Every medical practioner who, in the course of his practice, becomes cognizant of the existence of any infectious disease in any dwelling other than a public hospital, and every manager of any factory or public building, every keeper of a serai, dharmashala, hotel or lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of, an infectious disease, shall, if the case has not already been reported, give information thereof, with the least practicable delay, to the President, the Executive Officer, the Health Officer, the Assistant Health Officer, the Tahsildar, the Police Patel of the village or the Officer-in-charge of the nearest Police Station House.

(2) A breach of sub-section (1) shall be punishable with fine which may extend to fifty rupees.

Explanation.—In this section 'Medical Practioner' includes a Hakim or Vaidya.

Obstructions and encroachments upon public road, land or building.

96. (1) Whoever on any part of a public road, land or building, after it has vested in, or has become the property of a Board, shall build, or set up, any wall or fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction, or shall deposit, or cause to be placed or deposited, any box, bale, package or merchandise or any other thing on any part of any such road, land or building, or in, or over, or upon, any open drain, gutter, sewer or aqueduct in such road, land or building, shall be punished with fine which may extend to twenty-five rupees.

(2) The Board shall have power to remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter X:

Provided that, before proceeding to remove any such obstruction or encroachment, the Board shall by written notice call upon the person who has caused such obstruction or encroachment to remove it within a reasonable time to be specified in the notice, or to show cause why the same should not be removed.

(3) Nothing contained in this section shall prevent a Board from allowing any temporary occupation of or erections on any public road, which vests in it or is its property, on occasions of festivals and ceremonies, or for the piling of fuel on any part of such road for not more than fifteen days and in such maner as not to inconvenience the public or any individual.

Prohibition of hotels, restaurants, tea-shops, etc., and offensive or dangerous trade without licence.

97. (1) Subject to such provisions as may be prescribed, no place within the jurisdiction of a Board shall be used as a hotel, restaurant, tea-shop or for any similar purpose or for the manufacture of tiles, bricks or lime or for the purpose of any other trade or business which the Government may, by notification, declare to be offensive or dangerous, except under a licence from the Board and subject to such conditions as may be imposed in the licence and to such fees, if any, as may be prescribed.

(2 When a licensee fails to comply with any of the conditions imposed in the licence, the Board may suspend or cancel his licence.

Power to regulate slaughter of animals for sale.

98. The Board may fix places or premises—

(a) for keeping animal or animals of any specified description which are to be sold for purposes of slaughter;

(b) for the slaughter of such animals; and

(c) for the sale of the flesh of such animals; and may grant and withdraw licences for the use of such places or premises.

Power to take measures against cattle disease.

99. If the Board is of opinion that in any place within its jurisdiction any infectious disease amongst horses, cattle, sheep or goats has broken out or that the introduction of any such disease appears to be likely, it shall be lawful for the Board to take all such measures as it may deem necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the out-break or introduction thereof.

Prevention of rabies and disposal of mad and stray dogs.

100. (1) The Board may—

(a) authorise any person—

(i) to destroy or cause to be destroyed or to confine or cause to be confined, for such period as the Board may direct, any dog or other animal suffering from rabies or bitten by any dog or other animal suffering or supected as aforesaid;

(ii) to confine or cause to be confined any dog found wandering about streets or public places without collars or other marks, distinguishing them as private property, and to charge a fee for such detention and to destroy or otherwise to dispose of any such dog if it is not claimed within one week and the fee paid;

(b) appoint from time to time, by public notice a certain period within which any dogs without collars or other marks distinguishing them as private property found straying on the streets or beyond the enclosures of the houses of the owners of such dogs, may be destroyed and cause them to be destroyed accordingly.

(2) No damage shall be payable in respect of any dog destroyed or otherwise disposed of under this section.

Dangerous quarrying, blasting, felling trees or cutting timber or building.

101. Whoever quarries, blasts, fells trees, cuts timber or carries on building operations in such a manner as to cause or to be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Permission necesary for erecting buildings and for construction, establishment or intallation of factory, workshop or workplace.

102. (1) (a) Subject to such provisions as may be prescribed no person shall erect or re-erect any building without the written permission of the Board.

(b) Such permission may not be refused except for the reason of the site being unsuitable on sanitary or village planning grounds.

(c) such permission shall be presumed to have been granted if its refusal is not communicated within two months of the receipt of the application for permission.

(2) (a) Subject to the provisions of the Factories Act, 1 948 (LXIII of 1948), every person intending—

(i) to construct or establish, extend or shift within the limits of the jurisdcition of a Board, any factory, workshop or work place in which it is proposed to employ water, steam, electricity or other mechanical power, or

(ii) to instal in any premises any machinery or manufacturing plant driven by any power as aforesaid shall, before beginning such construction, establishment, extension, shifting or installation, make an application in writing to the Board for permission to undertake the intended work.

(b) The application shall be accompanied by—

(i) a plan of the factory, workshop, work-place or premises prepared in such manner as may be presribed;

(ii) such particulars as to the power, machinery, plant or premises as the Board may require by rules made in this behalf.

(c) The Board shall, as soon as may be after the receipt of the application—

(i) grant the permission applied for, either absolutely or subject to such condition as it thinks fit to impose, or

(ii) refuse permission, if it is of opinion that such establishment or installation is objectionable by reason of the density of the population in the neighbourhood or that it is likely to cause a nuisance.

(3) Whenever any building is erected, or re-erected without any such permission or in any manner contrary to the provisions prescribed under sub-section (1) or to any conditions imposed by the Board in this behalf or any factory, workshop or workplace is constructed, established or installed without any such permission or in any manner contrary to the provisions prescribed under sub-section (2) or to any conditions imposed by the Board in this behalf, the Board may—

(a) direct that the building, construction, establishment or installation be stopped, or

(b) by written notice require such building, construction, establishment or installation to be altered demolished or removed, as may be necessary.

(4) No claim shall lie for compensation on account of any order under this section.

Regional and Town Planing.

Regional and Town Planning and local lay-outs.

103. The Government may notify any area in the jurisdiction of a Board as an area in which no building is to be erected or re-erected except in accordance with a regional or Village Plan or a local lay-out sanctioned by Government in the manner prescribed.

Notification of sanction of plan or lay-out.

104. (1) As soon as any regional or village plan or local lay-out is sanctioned by the Government under rules made under clause (xv) of sub-section (2) of section 200, the said sanction shall be published by a notification in the Official Gazette and such notification shall state

at what place and time the plan or lay-out will be open to inspection by the public.

(2) A notification published under sub-section (1) shall be conclusive evidence that the plan or lay-out has been duly made and sanctioned. The plan or lay-out shall be effective from date of publication of such notification and the execution of the plan or lay-out shall be begun as soon as possible thereafter:

Provided that the Government may direct the execution of the plan or lay-out or any part thereof to be deferred until such time as it may fix.

Variation or revocation of plan or lay-out.

105. A regional plan or village plan or local lay-out sanctioned under the rules made under clause (xv) of sub-section (2) of section 200, may at any time be varied or revoked by a subsequent plan or lay-out prepared and sanctioned in the same manner as the original plan or lay-out.

Limitation of compensation payable to persons affected by variation or revocation of the plan or lay-out.

106. If at any time after the date on which a regional or town plan or local lay-out has come into force, such a plan or lay-out is varied or revoked, any person who has incurred expenditure for the purpose of complying with such plan or lay-out shall be entitled to receive compensation from the Board executing the plan or lay-out in so far as by reason of the variation or revocation of such plan or lay-out such expenditure has ceased to be in any way beneficial to him.

Obligation of owners to comply with plan or lay-out after sanction.

107. From the date of the notification under section 104, sanctioning a regional or village plan or a local lay-out, all owners of lands and buildings in the area affected by the plan or lay-out who propose to erect or re-erect or in any way alter or add to buildings, shall conform in every particular with the requirements of such plan or lay-out; and no building shall be erected or re-erected in any area in which building is expressly forbidded in the plan or lay-out, or which is reserved in the plan or lay-out for any purpose incompatible with building.

Penalty for breach of the provisions of any regional or town plan or lay-out.

108. (1) After a notification has been issued under section 104, sanctioning a regional or village plan or a local lay-out, the authority responsible for the execution of such plan or lay-out shall, if he has reason to believe that any person commits or knowingly permits a breach of any provisions of such plan or lay-out or neglects or fails to comply with any such provision, cause to be served on such person a notice calling on him to discontinue

the breach or cause it to be discontinued or comply with such provision.

(2) If after the expiry of one month from the date of the service of the notice on such person under sub-section (1), the breach, neglect or failure cotinues, such person shall, on conviction, be punishable—

(i) with fine, which may extend to fifty rupees, and

(ii) if the breach, neglect or failure continues after such conviction, with further fine which may extend to five rupees for every day during which the breach, neglect or failure continues after such conviction.

Powers of entry, etc.

109. For the purpose of the making or execution of any regional or village plan or local lay-out, the Board or any person authorised by the Board in this behalf shall, subject to the provisions of this Act after giving twenty-four hours' notice to the occupier, or if there be no occupier, to the owner of any property, be entitled to survey and set up marks on any property and to do all acts necessary for such purposes.

Application of the Hyderabad Land Acquisition Act, 1309 F. to immovable property required for plan or lay-out.

110. Immovable property required for the purposes of a regional or village plan or local lay-out, shall be deemed to be land needed for a public purpose within the meaning of the Hyderabad Land Acquisition Act, 1309 Fasli.

Mosquito Control.

Declaration of an area for mosquito control.

111. On the recommendation of the Health Officer, a Board may declare a local area for mosquito control.

Prohibition of mosquito breeding in collection of water.

112. If a declaration under section 111 has been made, no person shall, after such declaration—

(a) have, keep, or maintain within such area any collection of standing or flowing water in which mosquitoes breed or likely to breed, or

(b) cause, permit, or suffer any water within such area to form a collection in which mosquitoes breed or are likely to breed, unless such collection has been so treated as effectively to prevent such breeding.

Explanation I.—Troughs used for cattle and in frequent use, shall not, until the contrary is proved, be

deemed to be collections of water in which mosquitoes breed or are likely to breed.

Explanation II.—The natural presence of mosquito larvae in any standnig or flowing water shall be evidence that mosquitoes are breeding in such water.

Treatment of mosquito breeding places.

113. (1) The Board may, by notice in writing, require the owner or the occupier of any place containing any collection of standing or flowing water in which mosquitoes breed or are likely to breed, within such time as may be specified in the notice, to take such measures with respect to the same, or to treat the same by such physical, chemical or diological method, as the Board, on recommendation of the Health Officer, may consider suitable in the circumstances.

(2) If a notice under sub-section (1) is served on the occupier, he shall, in the absence of a contract, express or implied, to the contrary, be entitled to recover from the owner the recoverable expenses incurrd by him in taking the measures or adopting the method of treatment specified in the notice and may deduct the amount of such expenses from the rent which is then or which may thereafter be due from him to the owner.

Health Officer's powers in case of default.

114. If the person on whom a notice is served under section 113 fails or refuses to take the measures or adopt the method of treatment specified in such notice within the time specified therein, the Board may itself take such measures or adopt such treatment and recover the cost of doing so from the owner or occupier of the property, as the case may be, in the same manner as an amount claimed on account of any tax recoverable under Chapter X.

Protection of anti-mosquito works.

115. Where, with the object of preventing the breeding of mosquitoes in any land or building, the Government or the Board, or the owner or occupier at the instance of the Government or the Board, has constructed any works in such land or building, the owner for the time being as well as the occupier for the time being of such land or building shall prevent its being used in any manner which causes, or is likely to cause, deterioration of such works or which impairs or is likely to impair, their efficiency.

Prohibition of interference with such such works.

116. (1) No person shall, without the consent of the Board, interfere with, injure, destroy or render useless, any work executed or any material or thing placed in, under, or upon any land or building, by or under the

orders of the Board with the object of preventing the breeding of mosquitoes therein.

(2) If the provisions of sub-section (1) are contravened by any person, the Board may re-execute the work or replace the materials or things, as the case may be, and the cost of doing so shall be recovered from such person in the same manner as an amount claimed on account of any tax recoverable under Chapter X.

Power of Health staff to enter and inspect premises.

117. For the purposes of enforcing the provisions contained in sections 111 to 116 (both inclusive), the Executive Officer, the Health Officer or any other officer of the Board not below the rank of Health Inspector may at all reasonable times after giving such notice in writing as may appear to him reasonable, enter and inspect any land or building and the occupier or the owner, as the case may be, of such land or building, shall give all facilities necessary for such entry and inspection and supply all such information as may be required of him for the purpose aforesaid.

Penalty for breach of section 113.

118. Whoever, having been served with a notice under section 113 requiring him to take action thereunder against the breeding of mosquitoes, fails to comply with such notice shall be punished with fine which may extend to fifty rupees and if the breach is a continuing one, with further fine which may extend to five rupees for every day after the first during which the breach is proved to have been persisted in.

Penalty for breach of section 115.

119. Whoever being the owner or occupier of any land or building, uses, or fails to prevent the use of such land or building in contravention of section 115 shall be punished with fine which may extend to one hundred rupees.

Penalty for breach of section 116.

120. Whoever in contravention of the provisions of section 116 interferes with, injures, destroys or renders useless anything done by or under the orders of the Board to prevent the breeding of mosquitoes, shall be punished with fine which may extend to two hundred rupees.

MARKETS.

Public Markets.

Public markets.

121. Subject to the provisions of this Act and the rules made under clause (xvi) of sub-section (2) of section 200, a Board may establish, control and regulate public markets.

Closing of public markets.

122. A Board may by public notice close at any time any public market or part thereof.

Private Markets.

Licensing of private markets.

123. (1) No private person shall establish or maintain a private market except under a licence granted by the Board.

(2) The Board may grant, a licence subject to such conditions as regards sanitation, drainage, water-supply, width of paths and ways, weights and measures to be used and rents to be charged in such markets as may be prescribed under clause (xvii) of sub-section (2) of section 200.

(3) While granting such licence, the Board may charge a fee not exceeding such amount as may be prescribed.

Term of such licences.

124. A licence under section 123, shall, unless it otherwise directs, remain in force for the financial year during which it has been granted but may at any time be suspended or cancelled for breach of any of its conditions.

Procedure when Board delays grant of licence.

125. If the Board fails to grant a licence under section 123 for a period exceeding three months from the date of the receipt of an application for such licence, the applicant may apply to the Government who shall in the first instance, direct the Board to decide the application within one month from the date of such direction. If the Board does not decide the application within that period, the Government may reject the application or grant a licence or direct the Board to grant a licence.

Penalties.

126. Any person—

(a) establishing or maintaining a private market for which a licence has not been granted under section 123,

(b) opening or keeping open a private market for which the licence has been suspended or cancelled under section 124,

shall be punishable with fine which may extend to one hundred rupees and if the breach is a continuing one, with further fine which may extend to ten rupees, for every day after the first during which the breach is proved to have been persisted in.

CHAPTER VIII.

Revenue and Expenditure.

Constitution of District Fund.

127. There shall be formed for each district, a District Fund and there shall be placed to the credit thereof—

(a) the accumulated balances of the District Fund of the district at the commencement of this Act;

(b) the proceeds of cesses, taxes, tolls and fees, authorised to be levied under this Act;

(c) all rents and profits accruing from the properties bought, constructed or maintained by the Board or from properties otherwise vested in the Board;

(d) all penalties paid to or levied by or on behalf of the Board and all fines imposed by a Magistrate under this Act or the rules and by-laws framed thereunder;

(e) the sale proceeds of all property vested in the Board that may be sold under its orders;

(f) the proceeds of all public ferries established under the Hyderabad Ferries Act, 1314 Fasli, within the jurisdiction of the Board, and all penalties and fines realised under that Act in respect of such ferries;

(g) all grants and assignments of revenue and contributions made by the Government, local authorities and private individuals;

(h) all sums received on account of fines and unclaimed sale-proceeds under the provisions of the Hyderabad Cattle Trespass Act, 1337 Fasli;

(i) unclaimed deposits and other forfeitures; and

(j) all other sums received by or on behalf of the Board under this Act or any other law for the time being in force.

Custody and investment of the District Fund.

128. (1) The District Fund shall be vested in the Board and shall be kept in such Government Treasury or Bank, to which the Government treasury business has been made over, as the Government may direct.

(2) A Board may from time to time, with the previous sanction of Government, invest any portion of its fund in securities of the Government of Hyderabad or in such other securities, including fixed deposits in banks as the Government may approve in this behalf, and may vary

such investment for others of the like nature; and the income resulting from the securities and proceeds of the sale of the securities shall be credited to the District Fund.

Application of Fund.

129. (1) The Board shall set apart and apply annually out of the District Fund—

firstly, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

secondly, such sum as may be required to meet the charges of its own establishment under sections 164 and 165 and contribution towards Local Government Service Fund constituted under sub-section (3) of section 166;

thirdly, the expenses incurred in auditing the accounts of the Board;

fourthly, the cost of the construction and maintenance of buildings for the offices of the Board; and

fifthly, a sum equal to one-third of the net receipts from the local cess imposed under section 135 in each Panchayat Village for payment to the Panchayat of such village.

(2) Subject to the charges specified in sub-section (1) and to such rules as may be prescribed, the District Fund shall be applicable to the following purposes, namely:—

(a) the payment of the charges and expenses incidental to the matters specified in sections 80 and 81 and to all other purposes for which, by or under this Act or any other law for the time being in force, powers are confered or duties imposed upon the Board, including grant of loans for promoting such purposes;

(b) grants of loans to employees;

(c) the payment of monthly allowance to the President;

(d) the payments to members of the Board of daily allowances for attending meetings of the Board and of any Committees thereof and of expenses incurred in travelling for the purposes of the business of the Board and any Committee thereof at such rates as may be prescribed:

Provided that no such payment shall be made from the District Fund to a salaried servant of the Government;

(e) grants and loans to Municipal and Town Committees, Market Committees constituted under the Hyderabad Agricultural Markets Act, 1339 F., Panchayats, public libraries and other charitable and public institutions established in the district for purposes of public benefit;

(f) grants or loans for the acquisition, lay out and construction of any public market or of any market constituted under the Hyderabad Agricultural Markets Act, 1339 Fasli, within the area subject to the control of the Board;

(g) contributions to any work or institution from which the area under the jurisdiction of the Board benefits, although such work or institution is undertaken or maintained outside the jurisdiction of the Board;

(h) contributions towards any public fund raised for the relief of human or animal suffering within or without the area under the authority of the Board;

(i) any public reception, ceremony or entertainment:

Provided that no expenditure shall be incurred under this head save in pursuance of a resolution passed at a meeting and supported by more than one-half of the whole number of members of the Board.

(j) compensation to any person sustaining any damage by reason of the exercise of any power vested in the Board, its members, officers or servants, under this Act;

(k) with the previous sanction of the Government, any other purposes whereon the expenditure of the District Fund is in the public interest.

Standing Committee and Budget Estimates.

130. (1) Every year the Board shall, on or before the prescribed date, hold a meeting at which the Standing Committee shall submit budget estimates of the income and expenditure of the Board for the coming year, including proposals for spending the portion of the accumulated balances previously sanctioned by the Government under sub-section (2) of section 132.

(2) The Board shall consider the estimates and may approve of them with or without modification:

Provided that no estimates shall be approved unless they provide for the Board having at its credit at the end of the year a balance of five per cent. of the aggregate income for that year.

(3) The Board shall forward its estimates as finally approved by it to the Government through the Collector for approval.

(4) The Government before approving the estimates may make such changes therein as it considers necessary in order that the estimates may comply with the requirements of this Act or the rules thereunder or any other law for the time being in force.

(5) If the Government considers other changes desirable, whether by way of omitting, increasing or reducing any provision or of inserting a provision for income or expenditure not appearing in the estimates as submitted by the Board, it shall be bound before effecting such changes to refer the estimates back to the Board for its opinion and shall give due consideration to any opinion, received from the Board within one month from the despatch of the reference to the Board.

(6) On receipt of the Board's opinion, or on the expiry of one month as aforesaid without any reply from the Board, the Government may modify the estimates by adopting in whole or in part the changes suggested by it to the Board and approve the estimates thus changed.

Exempting Boards from obtaining Government approval for estimates.

131. Notwithstanding anything contained in section 130 Government may by notification in the Official Gazzette declare that the budget estimates of a Board shall not be subject to approval of Government.

Expenditure from the balance of previous years.

132. (1) No portion of the accumulated balance may be spent by the Board without the previous sanction of the Government:

Provided that nothing in this section shall be deemed to prevent the Board during the first quarter of the year or till the budget is sanctioned, whichever is earlier, from paying from its balances in the local treasury the cost of the sanctioned establishment and other unavoidable expenditure.

(2) At least one month before the date prescribed under sub-sectionn (1) of section 130 for the meeting, the Government shall inform the Committee what total expenditure it sanctions for the coming year from the accumulated balances.

(3) Proposals for spending the sum thus sanctioned shall be incorporated in the budget estimates for the coming year in accordance with sub-section (1) of section 130.

(4) Notwithstanding anything contained in sub-section (1), in exceptional cases of real necessity the Board may request the Government for sanction of further expenditure therefrom.

133. (1) The Board shall keep such accounts and submit such statements to the Government as may be prescribed. Accounts.

(2) Accounts of the receipts and expenditure of every Board shall be maintained up to the last day of every financial year in such form as may be prescribed. These annual accounts and all accounts kept under sub-section (1) shall be examined and audited, as soon as may be, after the end of each financial year by such persons as the Government may appoint in this behalf.

(3) An abstract of every annual account of a Board, showing the income of the District Fund under each head of receipts, the charges for establishment, the works undertaken, the sum expended on each work, the balance if any, of the fund remaining unspent; and such other information as may be required by the rules, shall be prepared by the Board in such form or forms as may be prescribed and forwarded to the Government not later than the 15th day of the first month of the next financial year and published annually in such manner if any, as may be prescribed.

134. The Board shall keep at its office a copy of every estimate approved and of accounts maintained under this Chapter and any person who is enrolled in the list of voters for the time being in force as a voter of any constituency of the Board, may during office hours inspect any such estimates or accounts subject to such conditions as may be prescribed. Inspection of accounts by the public.

CHAPTER IX.

Taxation.

135. (1) Notwithstanding anything contained in sub-section (2) of section (1) the Government shall, subject to the provisions of sub-section (2), levy a local cess of two annas on every rupee of land revenue payable to Government: Local Cess.

Provided that in Ijara villages, local cess shall be levied on the Qaul amount during the period of the Ijara and on the annual land revenue demand after the expiry of that period:

Provided further that on any Inam land the local cess shall be levied on the full land revenue assessment of such land.

(2) Local Cess shall not be leviable on the following items of revenue:—

(a) fees for grazing;

(b) sale proceeds of usufruct of trees;

(c) penalties, fines or any charge imposed under the Land Revenue Act of 1317 Fasli as penalty or interest in case of default:

Provided that in case of fines and penal assessment imposed for unauthorised cultivation, local cess shall be levied on the simple assessment.

Collection and credit of local cess.

136. (1) Subject to the provisions of sub-section (2), the local cess leviable under section 135 on lands shall be paid by the Government to the Board administering the area in which the lands are situated, after deduction of such proportion for the remuneration of patels and patwaries as the Government may prescribe.

(2) The local cess leviable under section 135 on lands which are included within the boundaries of any areas notified as a Municipal Corporation under section 3 of the Hyderabad Municipal Corporations Act, 1950, or as a City Municipality or a Town Municipality under section 4 of the Hyderabad Municipal and Town Committees Act, 1951, or as a mining settlement shall be paid by the Government to the Municipal Corporation or Municipal or Town Committee or a Mines Board of Health concerned after deducting the remuneration mentioned in sub-section (1).

(3) Any dispute in respect of any matter pertaining to this section between a Board and any other local Body, shall be decided by the Government.

Suspension and remission of local cess.

137. When for any reason the land revenue or any portion thereof is remitted or suspended, the local cess shall ordinarily be remitted or suspended in the same proportion, but the Government may on the application of the Board or other local Authority to which the cess is payable, direct that the remission or suspension order shall not apply to the local cess.

Special tax on property.

138. With the previous sanction of the Government and subject to such rules as may be prescribed in this

behalf, a Board may impose a special tax on houses, buildings or lands within the whole or a part of the area subject to the jurisdiction of the Board for providing amenities to the inhabitants of such area:

Provided that such tax shall not be imposed in respect of any land on which local cess is being collected.

Other taxes.

139. (1) Subject to the provisions of this Chapter, and with the previous sanction of the Government, a Board may impose in the whole or in any part of the area under its jurisdiction any of the following other taxes for the purposes of this Act, namely :—

(a) subject to the provisions of article 276 of the Constitution of India, a tax on persons exercising any profession, trade, calling or employment, within the limits of the area subject to the jurisdiction of the Board;

(b) market tolls on vehicles and laden animals bringing goods for sale into a public market;

(c) market fees for the right to exhibit goods for sale in a public market;

(d) fees for the registration of animals sold in a public market:

Provided that the tolls and fees mentioned in clauses (b), (c) and (d) shall not be levied by a Board unless the Government has by notification in the official Gazette invested the Board with exclusive rights of collection of the said tolls and fees in respect of a public market situated within its jurisdiction;

(e) a general water tax, when public water taps or stand posts have been fixed for the use of the public;

(f) a tax on public entertainments and amusements;

(g) a tax on—

(i) persons travelling by railway or motor transport service to or from a place within the jurisdiction of the Board to which pilgrims resort, or

(ii) pilgrims visiting a shrine, Urs or Jatra within the limits of the Board's jurisdiction;

Provided that:

(i) such pilgrim tax shall be leviable at a flat rate on every person over 12 years of age; and

(ii) unless otherwise directed by Government, no portion of the proceeds of such tax shall be expended for purposes, other than making arrangements for the health and comfort of the pilgrims resorting to or the improvement or development of such local area;

Explanation: For the purpose of sub-clause (i) of clause (g) the points on the banks of the Godavary from which pilgrims cross to Bhadrachallam for the annual jatra shall be deemed to be places to which pilgrims resort;

(h) a tax on vehicles when such vehicles are kept within the limits of the Board;

(i) a toll, at the toll bars established by the Board on any bridges or road-way constructed from out of the District Fund, on

(i) every vehicle;

(ii) every animal used for driving, draught or burden, passing on such bridge or road:

Provided that the toll shall not be leviable on any such vehicle or animal more than once on any one date.

(2) the tolls and fees leviable under clauses (b) and (c) of sub-section (1) may also be leviable at fairs.

Procedure in imposing taxes.

140. (1) No tax shall be imposed under section 138 or 139 unless the Board shall, at a special meeting convened for that purpose, have passed a resolution proposing the imposition of such tax:

Provided that in the case of the special tax leviable under section 138 and of the pilgrim tax leviable under clause (g) of sub-section (1) of section 139, no such resolution shall be valid unless passed by a majority of two-third of the whole number of members of the Board.

(2) When such a resolution has been passed, the Board shall publish in the manner prescribed, a notice defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant of the district objecting to the proposed tax may, within sixty days from the publication of the notice, submit his objection in writing to the Board.

(4) The Board shall take the proposals and all objections received thereto into consideration at a special meeting and may modify the proposals so as not to affect their substance, and may then forward them to the Government along with the objections received its decisions

thereon and its reasons therefor. If the Board decides to modify the proposals so as to affect their substance, it shall publish them again in the manner prescribed in sub-section (2).

(5) The Government on receiving such proposals may sanction or refuse to sanction them or sanction them subject to such modifications as it may deem fit, or return them to the Board for further consideration.

(6) No modification affecting the substance shall be made under sub-section (5) unless and until the modification has been accepted by the Board at a special meeting.

(7) If any proposals for taxation have been sanctioned under sub-section (5), the Government may, by notification, direct the imposition of the tax as sanctioned from such date as may be specified in such notification and thereupon the tax shall come into effect as from the date so specified.

(8) A notification of the imposition of a tax under this section shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Procedure for abolishing or varying taxes.

141. (1) A Board may, at a special meeting, pass a resolution to propose the abolition of any tax already imposed under section 138 or section 139 or a variation in the amount or rate thereof.

(2) Any such proposal shall be dealt with according to the procedure laid down in section 140 for the imposition of new tax, and the notification, of the abolition or variation of a tax under this section shall be conclusive proof that such abolition or variation has been made in accordance with the provisions of this Act.

(3) Notwihtstanding anything contained in section 140 or in this section, the Government shall have the power to reject a proposal for the abolition of a tax or a reduction in the amount or rate thereof or to vary the amount of such reduction or to impose a reduction in lieu of abolition, by referring the proposal back to the Board for further consideration or without such reference.

Procedure for suspension of or exemption from taxes.

142. A Board, with the previous sanction of the Government and by a resolution passed at a special meeting by a two-third majority of the whole number of members, may suspend the operation of any tax imposed under section 138 or 139 within any part of the area sub-

ject to its authority for any specified period or exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Powers to charge fees for licences and for use of certain lands and buildings.

143. (1) If any licence is granted by a Board under this Act, the Board or some person generally or specially authorised by the Board in this behalf may collect a fee for such licence.

(2) The Board or a person generally or specially authorised by it in this behalf, may collect such fee as may be fixed by bye-laws under this Act for the use of any building or land belonging to, or under the control of the Board.

Assesment of Taxes

Power to call for information.

144. A Board or any officer authorised by it in this behalf may, by notice, call upon any inhabitant of the area subject to its authority to furnish within a reasonable time such information as may be necessary in order to ascertain—

(a) whether such inhabitant is liable to pay any tax imposed under this Act, and

(b) the amount at which he should be assessed.

Assessment not invalid for defect of form.

145. No assessment and no charge or demand of any cess, tax, toll or fee made under the authority of this Act, shall be invalid by reason only of any clerical error or other defect of form; and when any property is described for the purpose of assessing any such cess, tax, toll or fee, it shall suffice to describe it in such manner that it shall be generally known, and it shall not be necessary to name the owner or occupier.

Bar of other proceedings.

146. No objection shall be taken to any valuation, assessment or levy, nor shall the liability of any person to be assessed or taxed, be called into question in any other manner or by any other authority than is provided in this Act.

CHAPTER X

Collection of Taxes

Presentation of bill for amount of tax.

147. (1) When any amount which,

(a) by or under any provision of this Act, is declared to be recoverable in the manner provided by this Chapter, or

(b) not being payable on demand on account of a toll, is claimable as an amount or instalment on account of any tax which is imposed in the district shall have become due,

the Board shall with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the sum claimed as due.

Contents of bill.

(2) Every such bill shall specify—

(a) the period for which, and

(b) the property, occupation or thing in respect of which, the sum is claimed, and shall also give notice of

(i) the liability incurred in default of payment, and

(ii) the time within which an appeal may be preferred, as provided in section 156 against such claim.

If bill not paid within thirty days notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the office of the Board, or to a person authorised by the Board in that behalf to receive such payments, within thirty days from the presentation thereof, the Board may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form of Schedule A, or to the like effect.

In what cases warrant may issue.

148. If the person liable for the payment of the said sum does not, within thirty days from the service of such notice of demand, either—

(a) pay the sum demanded in the notice, or

(b) show cause to the satisfaction of the Board or of such officer as the Board may appoint in this behalf, why he should not pay the same, or

(c) prefer an appeal in accordance with the provisions of section 156 against the demand, such sum with all costs of the recovery may be levied under a warrant caused to be issued by the Board in the form of Schedule B or to the like effect by distress and sale of the movable property of the defaulter.

Warrant by whom to be signed.

149. Every Warrant issued under section 148 shall be signed by the President of the Board causing the same to be issued, or by an officer authorised by the Board for this purpose or with the sanction of the Government by a Government officer.

To whom warrant should be addresseed.

150. When the property is in the district, the warrant shall be addressed to an officer of the Board or with the sanction of the Government to a Government officer.

When the property is in another district, the warrant shall be addressed to the President of the Board in such other district: Provided that such President may endorse such warrant to a subordinate officer or with the sanction of the Government to a Government officer. When the property is in the city of Hyderabad, the warrant shall be addressed to the Court of Small Causes, Hyderabad: provided that the said Court may endorse such warrant to a subordinate officer.

Power of entry under special order.

151. Any officer to whom a warrant is addressed by endorsement or otherwise may, if th ewarrant contains a special order authorising him in this behalf, but not otherwise, break open at any time between sunrise and sunset any outer or inner door or window of a building in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant and if after notifying, his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance provided that such officer shall not enter or break open the door of any apartment appropriated for women until he has given reasonable notice of his intention and has given such women an opportunity to remove themselves.

Warrant how to be executed.

152. Such officer may distrain, wherever it may be found, any movable property of the person named in the warrant as a defaulter subject to the following conditions, exceptions and exemptions, namely—

(a) the following property shall not be distrained:—

(i) the necessary wearing apparel, cooking vessels, bedding of the defaulter, his wife and children, and such personal ornaments as in accordance with religious usage cannot be parted with by any woman.

(ii) the tools of artisans, and

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable him to earn his livelihood.

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recovearble under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under section 149 to sign a warrant should not have been so distrained they shall forthwith be returned; and

(c) the officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure a written notice in the form of Schedule C, that the said property will be sold as shall be specified in such notice:

Provided that if after the property is distrained and before it has been sold, the sum due by the defaulter together with all costs incidental to the notice, warrant and distress of the property is paid, the officer shall remove the distress.

Sale of goods distrained.

153. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value the President or officer by whom the warrant was signed shall at once give notice to the person in whose possession the property was when seized to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Application of proceeds of sale.

(2) If not sold at once under sub-section (1), the property seized or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs, incidental to the notice, warrant, and distress and detention of the property is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the Board and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge or the sum due and of all such incidental costs as aforesaid.

Surplus, if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the District Fund, notice of such credit being given at the same time to the person from whose possession the property was taken. But if the same be claimed by written application to the Board within one year from the date of the notice, a refund thereof shall be made to such

person. Any sum not claimed within one year from the date of such notice shall be the property of the Board.

Distraint and sale outside the district.

154. When the warrant is addressed outside the district, the authority issuing the warrant may by endorsement direct the President to whom or the Court to which the warrant is addressed to sell the property distrained, and in such case it shall be lawful for such President or Court to sell the property and do all things incidental to the sale, and the foregoing provisions shall be modified accordingly. Such President or Court shall, after deducting all costs of recovery incurred, remit the amount recovered under the warrant to the authority by whom it was issued.

Fees and costs chargeable.

155. Fees for—

(a) every notice issued under sub-section (3) of section 147,

(b) every distress made under section 152, and

(c) the costs of maintaining any live-stock seized under the said section, shall be chargeable at the rates respectively prescribed in the rules made in this behalf and shall be included in the costs of recovery to be levied under section 148.

Appeal to Munsiff Magistrate.

156. (1) An appeal against any notice of demand issued under sub-section (3) of section 147 may be made to the Munsiff-Magistrate within whose jurisdiction the property, occupation or thing in respect of which the sum claimed falls. But no such appeal shall be heard and determined unless—

(a) the appeal is brought within 30 days next after service of the notice of demand complained of,

(b) an application in writing, stating the grounds on which the claim of the Board is disputed has been made to the Board within thirty days next after the presentation of a bill under sub-section (1) of section 147, and

(c) the amount claimed from the appellant has been deposited by him in the office of the Board.

(2) No second appeal shall lie from the decision of the Munsiff-Magistrate but his decision shall be subject to revision by the High Court.

Liability of lands, buildings, etc, for tax.

157. All sums due on account of any tax imposed on lands or buildings or on both shall, subject to prior payment of land revenue, if any, due thereupon, be a first charge upon the building or land in respect of which such tax is leviable, and upon the movable property if any, found within or upon such building or land, and belonging to the person liable for such tax:

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Power to seize animals, goods or vehicles on non-payment of toll.

158. (1) In the case of the non-payment on demand of any toll leviable by a Board the person appointed to collect such toll may seize any vehicle or animal on which the toll is chargeable or any part of its burden which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the property seized a list of the property together with a written notice in the form of Schedule C that the said property will be sold as shall be specified in such notice.

Power to sell property seized at once.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause to be sold accordingly unless the amount of toll demanded be forthwith paid.

Release of property on payment.

(3) If at any time before the sale is completed, the person whose property has been so seized tenders the amount of all expenses incurred, and of toll payable, the property seized shall forthwith be released.

Sale.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such toll and of the expenses incidental to the seizure, detention and sale.

Surplus how dealt with.

(5) The surplus, if any, of the sale proceeds shall be credited to the District Fund and may, on application made to the Board in writing within three years next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the Board.

Farming of tolls.

159. (1) The Board may lease the levy of any toll that may be imposed under this Act by public auction or private contract:

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

Persons employed by the lessee of toll to have power of seizure.

(2) When any toll has been leased under this section, any person employed by the lessee to collect such toll shall, subject to the conditions of the lease, have the powers referred to in sub-section (1) and (2) of section 158:

Provided that no article seized may be sold except under the orders of the Board.

(3) Any sum due from a lessee to a Board in respect of any toll leased under this section may be recovered as an arrear of land revenue.

Receipts to be given for all payments.

160. For all sums paid on account of any tax under this Act, a receipt stating the amount and the tax on account of which it has been paid shall be tendered by the person receiving the same.

Recovery of arrears of taxes and other dues.

161. Notwithstanding any other mode of recovery provided by this Act, any arrear of any tax or any other money due to the Board under this Act, any amount due to the Board under a contract, agreement, lease, auction, security or indemnity bond or otherwise and fine imposed under this Act or the rules or bye-laws made thereunder together with any sum on account of process fees which may be fixed by rules made under this Act and with interest at a rate not exceeding six and a quarter per centum per annum, shall also be recoverable on the application of the Board as if it were arrears of land-revenue:

Provided that no interest shall be so recovered in any case in which the competent Revenue Officer, for reasons to be recorded in writing, considers it inexpedient that interest should be charged.

Limitation for recovery proceedings.

162. No distraint shall be made for the recovery of any sums due to a Board under sections 138 and 139 of this Act after the expiry of six years from the date on which such sums became due. The Board may within three years after the expiry of the said period of six years institute a suit for the recovery of such sums.

163. No refund of any tax shall be claimed by any person otherwise than in accordance with the provisions of this Act or the rules made thereunder. Refunds.

CHAPTER XI.

Officers and Servants of Boards.

164. Unless otherwise provided in this Act or prescribed thereunder, the provisions of the Hyderabad Civil Service Regulations for the time being in force relating to salaries, leave, pensions, travelling allowances, retirement and all conditions of service and the rules for the time being in force relating to the conduct of Government Servants and inquiries into their conduct and punishment, shall apply to the employees of the Board. Application of the Hyderabad Civil Service Regulations and certain other rules.

165. Subject to the provisions of this chapter every Board may appoint such officers and servants as it shall deem necessary and proper for the efficient execution of its duties. The Board shall from time to time prepare a schedule of the staff to be so maintained setting forth their designations, grades, salaries, fees and allowances and their respective duties and may also determine which of the staff is to be maintained permanently and which temporarily : Appointment of officers and servants.

Provided that in so setting forth and determining the grades, salaries, fees and allowances, the Board shall have regard to the arangements prevailing and the schedule or rates in vogue in the establishments of the Government :

Provided further that the Government may by rules or by an order give directions regulating the creation of posts, appointments, transfers, punishments and sanction of leave to the employees, the exercise of the powers of the Board by the President or Vice-Prsident and the classes of employees who shall have a right of appeal against any orders passed by the Board or President or any other authority and the authorities to whom such appeal shall lie.

166. (1) There shall be constituted for the purposes of this Act and of any other law for the time being in force regulating the duties and powers of Municipal Corporations, Municipailties and Mines Boards of Health, a Hyderabad Local Government Service consisting of Hyderabad Local Government Service.

such officers and servants including Executive Officers, Local Government Engineers, Water Works Engineers, Supervisors, Sanitary Inspectors and such other posts as may be deemed necessary. The powers of appointment, transfer, dismissal, taking any disciplinary action against the officers belonging to the said service and of prescribing conditions of their service shall vest exclusively in the Government.

(2) Notwithstanding the provisions of sub-section (1), a Board may, if it deems necessary, by a resolution recommend to the Government, giving a copy thereof to the Collector, for taking such disciplinary action as may be required against an officer or servant belonging to the said service in respect of any act of misconduct committed by him:

Provided that two-thirds of the whole number of members of the Board vote in favour of such a resolution.

(3) There shall be constituted a Local Government Service Fund to meet the expenditure in respect of salaries, allowances, pensions, provident fund, gratuities and other necessary expenses payable to the officers of such service under the provisions of this Act or any other law for the time being in force or rules made thereunder or under any orders of the Government.

(4) Each Board shall contribute 8% of its revenues towards the Local Government Service Fund constituted under sub-section (3):

Provided that the Government may from time to time by notification in the official Gazette revise or alter the percentage of the contribution towards the Local Government Service Fund.

Delegation of power to engage officers and servants.

167. The Board may, subject to any rule or order made by the Government delegate to its President or any other officer subordinate to it, the power of appointing any officer or servant of the Board other than the officers and servant in the Hyderabad Local Government Service.

Power of Government to prevent extravagance in establishment.

168. If in the opinion of the Government, the number of employees maintained by a Board or whom a Board proposes to maintain, or the remuneration assiged by the Board to such employees or to any other person is excessive, the said Board shall, on being required to do so by the Government, reduce their number or remuneration.

Punishment and dismissal of the employees.

169. The power of dismissing any officer or servant maintained by a Board, save those borne on the Hyderabad Local Government Service Cadre shall, subject to the provisions of this Act and the rules made thereunder, vest in the Board.

Power of Government to transfer officers and servants of Board.

170. Notwithstanding anything contained in this Chapter, the Government shall have power to transfer any officer or servant of a Board to the service of any other Board or any Municipality constituted under the Hyderabad Municipal and Town Committees Act, 1951, or to any Corporation constituted under the Hyderabad Municipal Corporations Act, 1950 or to any Mines Board of Health:

Provided that such power shall be exercised after consulting the local bodies concerned.

Residuary powers of the Board over subordinates.

171. All Committees, Sub-Committees, members, officers and servants of a Board shall in the exercise or discharge of any functions delegated to them, be under the control of the Board and the Board may, subject to any provisions of law or rules made thereunder, where by the executive functions of the Board are assigned to the President or any officer, revise any order passed by any of its committees, sub-committees, members, officers or servants.

Members, Officers, etc., to be public servants.

172. Every member of a Board and every officer and servant maintained by or employed under a Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

CHAPTER XII

Control

Power of Collector to inspect and call for documents.

173. (1) The Collector may enter and inspect, or cause to be entered and inspected by any other officer authorised by him, any immovable property of any work in progress under the control and management of any Board.

(2) He may also—

(a) call for any extract from the proceedings of the Board or any Committee appointed by such Board, and call for or inspect any book or document in the possession of or under the control of a Board or any officer of the Board or of any Committee, Sub-Committee or Joint Committee;

(b) require any Board or any officer of the Board, or a Committee, Sub-Committee or Joint Committee to furnish any return, plan, estimate, statement, account, report or any other information or statistics which he may consider necessary; and

(c) require a Board to take into its consideration—

(i) any objection which appears to him to exist to the doing of anything which is about to be done by such Board, or

(ii) any information furnished by him which appears to him to necessitate the doing of a certain thing by such Board and to make a written reply to him, within a reasonable time, stating its reasons for doing or omitting to do such thing.

Collector's power of suspending execution of orders, etc., of Board.

174. (1) If it appears to the Collector that the Executive Officer or any other Officer of a Board has made default in carrying out any resolution of the Board, the said Collector after giving such officer a reasonable opportunity of explanation, shall send a report thereon together with the explanation, if any, of such officer to the Government and at the same time forward a copy of the same to the Board.

(2) If in the opinion of the Collector, the execution of any order or resolution of a Board, or the doing of anything which is about to be done, or is being done by or on behalf of a Board, is causing or likely to cause, injury or annoyance to the public, or to lead to a breach of peace or is unlawful, he may by order in writing, under his signature, suspend the execution or prohibit the doing thereof.

(3) When a Collector makes any order under subsection (2) he shall forthwith forward to the Government a copy of the order with a statement of the reason for making it; and it shall be in the discretion of Government, after giving the Board a reasonable opportunity of explanation, either to rescind the order or to direct that it may continue in force with or without modification, permanently or for such period as the Government thinks fit.

Extraordinary powers of Government and Collector in cases of emergency.

175. (1) In cases of emergency, the Government or the Collector may direct or provide for the execution of any work or the doing of any act, which the Board or any other officer of the Board is empowered to execute or to do and the immediate execution or doing of which

is in the opinion of the Government or Collector necessary for the safety of the public, and may direct that the expenses of executing the work or doing the act with a reasonable remuneration to the person or persons appointed to execute or do it, shall be forthwith paid by the Board.

(2) If the expense and remuneration are not so paid, the Government or the Collector, as the case may be, may direct the officer-in-charge of the treasury or bank in which the District Fund is kept or the whole or a portion thereof is deposited or lent on interest, to pay the expenses and remuneration, or as much thereof as is possible, from the balance of the amount of such fund in his hand.

(3) Such officer shall, so far as the funds to the credit of the Board admit, be bound to comply with such order.

(4) In case the Collector uses the powers conferred on him under this section he shall report such case to the Government forthwith and send a copy of the report at the same time to the Board for information. The Board shall, thereupon, be entitled to address the Government on the Collector's report.

Power of Government to provide for performance of duties in default of Board.

176. (1) When Government is informed on complaint made or otherwise that a Board has made default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force the Government if satisfied after due enquiry that the Board has been guilty of the alleged default, may fix a period for the performance of that duty :

Provided that no such period shall be fixed unless the Board has been given an opportunity to show cause why such orders shall not be made.

(2) If that duty is not performed within the period so fixed the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Board.

(3) If the expense and remuneration are not so paid, the Government may make an order directing the officer-in-charge of the treasury or bank in which the District Fund is kept or the whole or portion thereof is deposited or lent on interest, to pay such expenses and re-

muneration from such moneys as may be standing to the credit of the Board in such treasury or bank or as may from time to time, be received from or on behalf of the Board by way of deposit by such treasury or bank, and such officer or bank shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such officer or bank from all liability to the Board in respect of any sum or sums so paid out of the money so received or standing to the credit of the Board in such treasury or bank.

Dissolution and reconstitution of Board.

177. (1) If in the opinion of the Government, a Board persistently makes default in performing the duties imposed on it under this Act or any other law for the time being in force or exceeds or abuses its powers or a situation exists in which the administration of the Board cannot be carried on in accordance with the provisions of this Act or the financial stability or credit of the Board is threatened, it may, by notification published in the official Gazette, direct that the Board be dissolved and reconstituted. The notification shall specify the time within which the Board shall be reconstituted:

Provided that, for the purpose of completing the elections to a Board which has been dissolved, the Government may from time to time, extend the time fixed under this sub-section for its reconstitution.

(2) Before publishing a notification under sub-section (1), the Government shall communicate to the Board concerned the grounds on which they propose to do so, fix a reasonable period for the Board to show cause against the proposal and consider the explanations and objections, if any, of such Board.

(3) Upon publication of such notification, all members of the Board including its President and Vice-President shall forthwith be deemed to have vacated their offices as such and fresh election shall be held in accordance with the provisions of this Act.

(4) The terms of office of the elected members of the reconstituted Board or the members elected in their place at casual vacancies shall expire on such date as the Government may fix.

(5) During any interval between the dissolution and the reconstitution of a Board under sub-section (1), all or any of the powers of the Board and of its President may be exercised and discharged, as far as may be and

to such extent as the Government may determine, by such person or persons as the Government may appoint in that behalf; and any such person, who is not a Collector or Deputy Collector may, if the Government so direct, receive payment for his service.

(6) When a Board is dissolved, the Government until the date of reconstitution thereof and the reconstituted Board thereafter, shall be entitled to all the assets and be subject to all the liablities of the Board as on the date of dissolution and on the date of the reconstitution respectively.

Power of Government to enforce order passed by Government or other authorities.

178. In all matters connected with this Act, or any other law for the time being in force, if a Board makes default in carrying out any order made by the Government or by any authority other than the Board in the exercise of any of the powers conferred by this Act or any rule made thereunder, or by any other law for the time being in force, the Government shall have all the powers necessary for the enforcement of such order at the cost of the Board.

Disputes between Boards and other Local Bodies.

179. (1) In the event of any dispute arising between a Board and any other Board or other local bodies on any matter in which they are jointly interested, such dispute shall be referred to Government whose decision shall be final.

(2) The Government may by an order or rules made under this Act, regulate the relations between the Board and other local bodies as aforesaid in matters in which they are jointly interested.

Appointment of technical and inspecting officers for whole of the State.

180. (1) The Government may appoint, for the purposes of this Act or of any other law for the time being in force regulating the duties and powers of other local bodies, duly qualified persons to be Divisional Engineers, Superintending Engineers, Town Planning Officers, Architects, or Inspecting or other officers for the whole or any part of the State and may sanction such establishment for the said officers as may be deemed necessary.

(3) The Officers and establishment appointed under sub-section (1) shall belong to the Local Government Service and their expenses shall be defrayed from the funds pertaining to the Local Government Service established for this purpose under section 166.

Delegation of powers by Government.

181. The Government may by notification delegate any of its powers under this Act, except the power to make rules, to any authority which it may deem fit.

Control of Revenue Officers.

182. In all matters connected with this Act or the rules made thereunder unless it is otherwise provided therein the Government shall have and exercise over the Collectors and the Deputy Collectors, and the Collectors and the Deputy Collectors shall have and exercise over the officers subordinate to them, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

CHAPTER XIII

Notices, Appeals and Procedure relating to Offences

Service of notices, etc., addressed to individuals.

183. The service of every notice and bill under this Act on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for, in this Act, be effected by a Board or an officer or servant or other person authorised by the Board in this behalf or, on such terms as may be agreed upon, by any officer or servant of the Government in the following manner:—

(a) wherever it is practicable service shall be made by delivering or tendering the notice or bill personally to the person to whom it is addressed, unless he has an agent empowered to accept service, in which case service on such agent shall be sufficient.

(b) Where such person cannot be found and has no agent empowered to accept service on his behalf, service may be made on any adult male member of his family who is residing with him.

Explanation.—A servant is not a member of the family within the meaning of this clause.

(c) Where the serving officer delivers or tenders the notice or bill to such person personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom it is so delivered or tendered to an acknowledgement of service.

(d) Where such person or his agent or such other person as aforesaid refuses to sign the acknowledgement, or where the serving officer, after using all due and reasonable deligence, cannot find such person and there is no agent empowered to accept service on his behalf, nor any other person on whom service can be

made, the serving officer shall affix the notice or bill on the outer door or some other conspicuous part of the house in which he ordinarily resides or carries on business or personally works for gain and shall then return the original to the authority who issued the notice or bill with a report endorsed thereon or annexed thereto stating that he has so affixed the copy, the circumstances under which he did so, and the name and addres of the person (if any) by whom the house was identified and in whose presence the copy was affixed.

(e) The serving officer shall, in all cases in which service has been made under clause (c), endorse or annex, on or to the original notice or bill, a return stating the time when and the manner in which it was served, and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender.

(f) Where the authority issuing the notice or bill is satisfied that there is reason to believe that the person to whom it is addressed is keeping out of the way for the purpose of avoiding service, or that for any other reason the notice or bill cannot be served in the ordinary way, such authority shall order it to be served by affixing a copy thereof in some conspicuous place in the office, and also upon some conspicuous part of the house (if any) in which such person is known to have last resided or carried on business or personally worked for gain, or in such other manner as he thinks fit. Service substituted by order of such authority shall be as effectual as if it had been made on such person personally. Where service is substituted by order of the authority, the authority shall fix such time for the appearance of the person as the case may require.

(g) Where the person to whom the notice or bill is addressed resides out of the district and has no agent in the district empowered to accept service, the notice or bill shall be addressed to him at the place where he is residing and sent to him by post, if there is postal communication between such place and the place from which the notice or bill is sent.

Service of notices on owners or occupiers of buildings and land.

184. When any notice under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, the service thereof, in cases not otherwise specially provided for in this Act, shall be effected—

(a) by giving or tendering the notice to the owner or occupier, or, if there be more owners or occupiers than one, to any one of them;

(b) If no such owner or occupier be found then by giving or tendering the notice to some adult male member of the family of any such owner or occupier as aforesaid;

(c) If none of the means aforesaid be available then by causing the notice to be fixed on some conspicuous part of the building or land for which the same relates.

Publication of public and general notices.

185. Every notice which this Act requires or empowers a Board to give or to serve, either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if it has been published by proclamation made by beat of drum in the locality and a copy thereof has been posted to a notice-board at the office of the Board or in such other public buildings or places as the Board may decide, or has been published in any newspaper having a circulation in the area under the jurisdiction of the Board.

Defective form of notice; fixation of reasonable time and consequence of non-compliance.

186. (1) No notice or bill shall be invalid merely on account of any defect in the form.

(2) When any notice requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(3) In the event of non-compliance with the terms of the notice the Board may take such action or such steps as may be necessary for the doing of the act thereby required to be done, and all the expenses thereby incurred by the Board shall be paid by the person or jersons upon whom a notice was served, and shall be recoverable in the manner provided in section 188.

Punishment for disobedience to orders and notices not punishable under any other section.

187. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by or on behalf of a Board under any power conferred by this Act, or fails to comply with the conditions subject to which any permission was given to him by the Board shall, on conviction before a Magistrate, if the disobedience of failure is not an offence punishable under any other section, be liable to a fine not exceeding fifty rupees and to a further fine not exceeding five rupees for every

day during which the said disobedience or failure continues after conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was reasonable time within the meaning of this Act.

Board in default of owner or occupier may execute work and recover expenses.

188. (1) Whenever under the provisions of this Act any work is required to be executed by the owner or occupier any building or land, and default is made in the execution of such work, the Board may, whether any penalty is or is not provided for such default, cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter X.

Power to levy charges on occupier, who may deduct the same from his rent.

(2) If the defaulter be the owner of the building or land, the Board may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (1), the payment of all or any part of the expenses payable by the owner for the time being from the person who then, or at any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied on such occupier; and every amount so leviable shall be recoverable in the same manner as an amount of claimed on account of any tax recoverable under Chapter X.

Occupiers not to be liable for more than the amount of rent due.

(3) Unless an occupier of any building or land neglects or refuses upon requisition made to him for that purpose by the Board truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable, such occupier shall not be liable to pay in respect of any expenses charged by this Act on the owner thereof more money than—

(a) the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or

(b) the amount which, at any time after such demand and notice not to pay the same to his landlord,

has accrued and become payable by such occupier:

Provided that the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued shall be upon such occupier:

Provided further that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Expenses or costs how determined and recovered.

189. If a dispute arises with respect to any expenses or costs which are by this Act directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Board and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter X.

Appeals

Bar of appeal.

190. No appeal shall lie against any order made under this Act except as provided for in this Act.

Appeals to Collector against certain orders.

191. An appeal shall lie to the Collector from—

(a) an order under clause (iv) of sub-section (3) of section 48;

(b) an order of assessment of any tax under Chapter X other than the local cess, passed after giving the the assessees an opportunity to submit their objections and after hearing the objections, if any, made by them;

(c) an order of refusal to refund any tax mention-in clause (b);

(d) an order suspending or cancelling the licence of a private market under section 124.

(e) an order with regard to sources of water under sections 84, 85, 86 and 88;

(f) an order under section 102 requiring permission to erect or re-erect any building or to construct, establish or instal any factory, machinery or manufacturing plant or requiring any building, alteration, addition, construction, establishment or installation to be altered, demolished or removed, as the case may be;

(g) an order of surcharge under para (e) of clause (xx) of sub-section (2) of section 200.

Limitation for appeal.

192. An appeal under section 191 shall not be admitted unless it is preferred within 60 days from the date of the order appealed from:

Provided that an appeal may be admitted after the said period if the appellant satisfies the Collector that he had sufficient cause for not preferring the appeal within that period.

Form of appeal and stay of proceedings and of execution.

193. (1) Every appeal under section 191 shall be preferred in the form of a memorandum signed by the applicant or his pleader and presented to the Collector or to such officer as the Collector may appoint in this behalf. The memorandum shall be accompanied by a copy of the order appealed from.

(2) The memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the order appealed from without any argument or narrative; and such grounds shall be numbered consecutively.

(3 An appeal shall not operate as a stay of proceedings under an order appealed from except so far as the Collector may order, nor shall execution of an order be stayed by reason only of an appeal having been preferred from the order; but the Collector may for sufficient cause order stay of execution of such order.

(4) No order for stay of execution shall be made under sub-section (3) unless the Collector is satisfied—

(a) that substantial loss may result to the party applying for stay of execution unless the order made

(b) that the application has been made without unreasonable delay; and

(c) that security has been given by the applicant for the due performance of such order as may ultimately be binding upon him.

(5) Notwithstanding anything contained in sub-section (4), the Collector may make an **ex-parte** order for stay of execution pending the hearing of the application.

Decision of Collector in appeal.

194. (1) The Collector, after hearing the parties or their pleaders and referring to any part of the proceedings to which reference may be considered necessary, shall record his decision. Such decision may be for confirming, varying or reversing the order from which the

appeal is preferred. The Collector may, if he thinks fit by order remand the case. He shall have power to make any order which ought to have been made and make such further order as the case may require. The decision of the Collector on appeal shall be final and no second appeal shall lie therefrom.

(2) In every appeal the Collector may award costs in his discretion. Costs awarded to a Board shall be recoverable by the Board as though they were arrears of land revenue due from the appellant. If the Board fails to pay any costs awarded to an appellant within thirty days after the date of the order for the payment thereof, the Collector may order the persons having the custody of the balance of the District Fund to pay the amount.

Powers of revision.

195. The Government may at any time for the purposes of satisfying itself as to the legality or propriety of any order passed by or as to the regularity of the proceedings of, any Board or officer subordinate to the Government or Board acting in the exercise of any power or authority conferred by or under this Act, call for and examine the record of any case pending before or disposed of by such officer and may pass such order with reference thereto as it thinks fit:

Provided that no order shall be reversed unless notice has been given to the parties interested to appear and be heard in support of such order.

Procedure relating to offences.

Cognizance of offence.

196. (1) Unless otherwise expressly provided, no court shall take cognizance of any offence punishable under this Act or any rule or bye-law made thereunder except on the complaint of, or upon information received from the Board or any person authorised by the Board in this behalf.

(2) The Board may authorise any person to make complaints or give information without previous reference to the Board, either generally in regard to all offences against this Act and any rules or bye-laws made thereunder or particularly in regard to specified offences or offences of a specified class. Such person may be authorised by virtue of his office, if he is the President, Vice-President, Executive Officer, Local Engineer, Civil Surgeon or Health Officer of the district or the officer-in-charge of a Police station; in other cases the authority

shall be by name. The authority shall in all cases be in writing and may, at any time, be cancelled by the Board.

Board may prosecute.

197. (1) The Board may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act, or of any rule or bye-law thereunder and may order the expenses of such prosecutions or other proceedings to be paid out of the District Fund:

Provided that no prosecution for an offence under this Act or any rule or bye-law thereunder shall be instituted except within three months next after the commission of such offence.

(2) Any prosecution under this Act or under any rule of bye-law thereunder may, save as therein otherwise provided be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule or bye-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

Power to compound offence.

198. (1) The Board or, with the authorisation of the Board its President, Executive Officer or any sub-committee thereof may compound any offence against this Act or any rule or bye-law made thereunder which under the law for the time being in force may legally be compounded.

(2) On payment of the amount by way of composition no further proceedings shall be taken or continued against the defaulter in regard to the offence or alleged offence so compounded.

(3) Authorisation under sub-section (1) to accept composition for alleged offences may be given by the Board either generally in regard to all offences under this Act and the rules and bye-laws made thereunder or particularly in regard only to specified offences or offences of a specified class, and may, at any time, be withdrawn by the Board.

CHAPTER XIV

Rules and Bye-laws

General provisions regarding rules.

199. (1) All rules for which provision is made in his Act shall be made by the Government.

(2) Such rules may be general for all Boards or may be special for the whole or any part of the area subject to the jurisdiction of any one or more Boards, as the Government may direct.

(3) All rules shall be subject to previous publication and shall be laid before the Legislative Assembly.

(4) In making any such rules the Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and where the breach is a continuing one with further fine, which may extend to five rupees for every day after the first during which the breach is proved to have been persisted in.

Matters as to which rules may be made.

200. (1) In addition to any power specially conferred by this Act, the Government may make rules generally for the purpose of carrying into effect all or any provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules with regard to—

(i) the delimitation of constituencies, under section 7, preparation and publication of list of voters under section 9, mode, time and conduct of election of members, President and Vice-President under sections 11 and 36, the time within which and the manner in which return of election expenses shall be lodged under section 14, the consequences of not lodging such return and the filling of casual vacancies under section 40;

(ii) the decision of doubts and dispute relating to the election of members, the President and the Vice-President, the evidence to be admitted, the procedure to be followed, the powers to be exercised by the Election Tribunal in making enquiries, including power to indemnify witnesses against civil or criminal proceedings, and to enforce orders made in such enquiries;

(iii) What shall constitute corrupt and illegal practices under this Act at elections for the purpose of rendering such elections void, and the disability to which persons found guilty of such practices shall be

liable, and providing in which cases such disability may be removed;

(iv) the moving of no-confidence motion against President or Vice-President under clause (c) of sub-section (1) of section 37;

(v) the formation, constitution, procedure and term of office or members of Committees and Sub-Committees and the delegation to Sub-Committees of powers, duties and functions with reference to sections 41, 42, 43 and 44;

(vi) the powers and functions of the President with reference to section 45;

(vii) the conduct of business in meeting of Board and interpellation by the members of the Board under Chapter IV;

(viii) the independent authority which the Board may exercise in respect of public institutions, maintained out of its fund, with reference to section 68;

(ix) the transfer of immovable property under section 70;

(x) the powers of the Board to compromise any suit instituted by or against the Board or any cliam or demand with reference to section 79;

(xi) the duties and discretionary powers of a Board with reference to sections 80 and 81;

(xii) the conditions for issue of licence under section 91;

(xiii) the provisions subject to which a place may be used for the purposes mentioned in section 97 and the fees for licences granted under that section;

(xiv) the provisions subject to which any building may be erected or re-erected or a factory, workshop or work-place may be established or installed under section 102;

(xv) the regulation of the lay-out, improvement and development of rural areas and the manner in which a regional or village plan or a local lay-out shall be sanctioned by Government under section 103, and in particular regarding—

(a) the authorities by whom a regional or village plan or local lay-out shall be made and executed;

(b) the localities in the area concerned which shall be notified as reserved for residential, factory or other purposes;

(c) the prohibitions, restrictions, limitations and conditions entailed by a notification under sub-section (1) of that section on existing houses, factories, trades, business and other things;

(d) the sanitary principles and building regulations to be observed in drawing up plans and lay-outs;

(e) the regulation of the erection of buildings along main and by-pass roads used for through traffic or adjoining the area concerned;

(f) restriction on building in the interests of the safety of aircraft using any aerodrome in or adjacent to the area concerned;

(g) the streets or roads and the improvements thereto provided in a plan or lay-out which shall be made or carried out at the expense of the Board, the owners of the property or both;

(h) the levy of betterment contributions by the Board or other authority carrying out any regional or village plan or local lay-out from the owner of any property the value of which has increased or is likely to increase by reason of the making of such plan or lay-out;

(i) the manner in which the expenses attendant upon the making or execution of a regional or village plan or local lay-out and the profits accruing therefrom shall be apportioned between the Boards concerned or between them and the Government;

(j) the regulation of the manner in and the extent to which all documents and plans prepared in this behalf shall be made accessible to the public;

(xvi) the regulation of public and private markets under sections 121 and 123 and the collections of charitable funds and subscription in the said markets;

(xvii) the conditions for issuing licences under section 123 and the fees which may be charged therefor under that section;

(xviii) the meeting of expenditure from the District Fund with reference to sub-section (2) of section 129:

(xix) the preparation and form of annual estimates of income and expenditure, the date of submission of budget estimates; and in particular the items of expenditure and the apportionment of local cess after deducting administrative and audit charges between various heads **viz.,** General, Education and Medical ;

(xx) the accounts to be kept and statements to be submitted and the audit of such accounts under section 133; and in particular regarding—

(a) financial powers of Boards and Officers;

(b) the appointments, payment and powers of District Fund Auditors;

(c) the authorities to whom such auditors shall be subject ;

(d) the manner of audit and the way in which audit reports are to be disposed of;

(e) the surcharging upon the Board or upon all or any of its members or its officers and servants, or other persons, for any improper expenditure of the Board's Funds or any loss or waste of the Board's Funds or resources caused by negligence, impropriety or dishonesty;

(f) the power of the Board and its President and the other authorities to accord administrative sanction and of Local Fund Engineers of all grades to accord technical sanction, to estimates of public works;

(g) the manner in which estimates are to be prepared, works executed and paid for;

(h) the payment of bills and charges generally;

(i) the fixation of instalments of arrears of sums due to Boards and writing off of such sums as irrecoverable;

(j) the power to reappropriate within the budget estimates;

(k) the control which may be exercised over Boards in respect of financial matters generally and the authorities who may exercise such control;

(xxi) the carrying out of the purposes provided for in sections 135 and 136.

(xxii) the imposition and assesment of special tax under section 138, the imposition and assessment and

maximum amounts or rates of taxes under section 139 and for preventing evasion of assessment and payment, for the payment of lumpsums in composition, and for fixing the fees for—

(a) every notice of demand issued under sub-section (3) of section 147;

(b) every distress made under section 152;

(c) the costs of maintaining any livestock seized under the said section;

(xxiii) the refund of taxes under section 163 and the limitation for such refunds;

(xxiv) the appointment, conditions of service, etc., of officers and servants under section 165;

(xxv) the regulation of relations between Boards and other local authorities, with reference to sub-section (2) of section 179;

(xxvi) the appointment of technical and inspecting officers and their establishment, their duties, powers and conditions of service, the procedure to be followed for paying salaries and allowances to them and their establishment and the apportionment of expenses attending the appointment and entertainment of such officers and their establishment and other charges pertaining thereto or arising therefrom, with reference to section 180;

(xxvii) the procedure to be followed in the composition of offences under section 198;

(xxviii) the procedure to be followed in correspondence between the Government and the Board;

(xxix) the guidance of Government and Board officials in all matters connected with the administration of this Act and for settling their mutual relations;

(xxx) the manner of publication of bye-laws made by a Board under section 201;

(xxxi) the translation in local language of this Act, and all rules and bye-laws made thereunder and their inspection by any inhabitant;

(xxxii) the powers which may be exercised by persons authorised under clause (b) of section 209; and

(xxxiii) any other matter which has to be, or may be, prescribed.

Bye-laws.

201. (1) All bye-laws for which provision is made under this Act shall be made by the Board at a special meeting and shall be consistent with this Act and with the rules made thereunder.

(2) A bye-law may be general for the whole area under the jurisdiction of the Board or special for any part of such area, as the Board may direct.

(3) Unless specially excepted in this Act from the operation of this sub-section, no bye-law shall take effect until it has been confirmed by the Government.

(4) Unless specially excepted in this Act from the operation of this sub-section, no bye-law shall take effect until it has been published in the manner prescribed by rules under this Act;

(5) In making any bye-laws the Board may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing one, with further fine which may extend to five rupees for every day after the first during which the breach is proved to have been persisted in.

Matters as to which bye-laws may be made.

202. In addition to any power of making bye-laws specially conferred by this Act, a Board may make bye-laws—

(a) for defining limits and regulating the use and management of, and for maintaining in sanitary condition any public market, fair, agricultural or industrial show or exhibition;

(b) for the management, maintenance and control of all matters administered by the Board under sections 80 and 81;

(c) for regulating the use of public roads and the traffic thereon and for securing cleanliness, security and order in respect of the same;

(d) for protecting from injury or interference anything within the limits of the Board jurisdiction or in the charge of the Board being the property of the Government or of the Board;

(e) for licensing brokers, commission agents, weighmen or measurers practising their calling in any public market or fair, and fixing the fees leviable on them and the conditions on which the licenses are to be granted and may be revoked;

(f) for the appointment of persons to register sales of animals in any public market or fair;

(g) for the appointment of a committee for any public market, fair, agricultural or industrial show or exhibition, and for the delegation to such committee of all or any of the powers of the Board for the control and supervision of such market, fair, show or exhibition; and

(h) generally for carrying out the purposes of this Act.

CHAPTER XV

Miscellaneous

Power of Government to transfer powers and functions of Panchayats to Boards and *vice versa.*

203. Notwithstanding anything contained in this Act or in the Hyderabad Village Panchayat Act, 1951 (hereinafter referred to in this section as that Act), the Government may, in consultation with the Board or Panchayat, as the case may be, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein direct—

(i) that any power or function vested in a Panchayat or class of Panchayats generally by or under that Act, shall be transferred to and be exercised or performed by a Board within the area under its jurisdiction, or

(ii) that any power or function vested in a Board or Boards generally by or under this Act shall be transferred to and be exercised or performed by any Panchayat or class of Panchayats within the area under its or their respective jurisdiction, or

(iii) that any power or function vested in a Board under this Act as well as in a Panchayat or class of Panchayats generally under that Act, shall be exercised or performed exclusively either by the Board or by the Panchayat or class of Panchayats generall within the area under its or their respective jurisdiction.

Mode of proof of records.

204. A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of a Board shall, if duly certified by the legal keeper thereof, or other person authorised by any bye-law in this behalf, be received as **prima facie** evidence of the existence of the entry or document, and shall be admitted as evidence of the matters and transactions therein recorded in every case, where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters.

Restrictions on summoning servants of the Board to produce documents.

205. No officer or servant of the Board shall in any legal proceeding to which a Board is not a party be required to produce any register or document the contents of which can be proved under the preceeding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein, unless by order of the Court made for special cause.

Power of Board to call for evidence.

206. The Board shall have the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents and every person required by the Board to furnish any information before it, shall be legally bound to do so within the meaning of section 176 of the Indian Penal Code, 1860 (XLV of 1860).

Powers and duties of police in respect of offences and assistance to authorities.

207. Every police officer employed within the jurisdiction of a Board shall give immediate information to the Board of any offence committed against this Act. or the rules or bye-laws thereunder and shall be bound to assist all members, officers and servants of the Board in the exercise of their lawful authority.

Power of Board to delegate its powers.

208. (1) The Board may delegate all or any of its powers under this Act, or the rules and bye-laws made thereunder except the power to make bye-laws, to the President, the Executive Officer or any other officer or servant of the Board, or, with the approval of Government to any other officer.

(2) The Board shall have the power, at any time, to rescind modify or withdraw the powers so delegated.

Effect of this Act upon the Hyderabad Cattle Trespass Act V of 1337 Fasli.

209. Notwithstanding anything contained in the Hyderabd Cattle Trespass Act, 1337 Fasli—

(a) the powers of the High Court and the Court of Session under sub-section (3) of section 26 of the said Act, shall be exercisable only in respect of cases under Chapter IV & V of the said Act and in respect of all other cases under the said Act, the said powers shall be vested in the Board;

(b) in respect of powers under the control or management of a Board, the High Court shall have no powers under sub-section (4) of section 26 of the said Act, and the Government may authorise any person or persons to exercise such of those powers as may be prescribed and may, at any time withdraw such powers;

(c) the powers of the High Court under section 27 of the said Act shall not be exercisable by the Court and the said powers shall be exercised by the Government.

Repeal and savings.

210. The Hyderabad District Boards A'in, 1352 Fasli, is hereby repealed :

Provide that—

(a) such repeal shall not affect the liability of any person to pay any sum due from him under the said A'in or the validity or invalidity of anything done thereunder ;

(b) all Boards constituted under the said A'in including interim Boards and those existing immediately before the coming into force of this Act shall be deemed to have been established as Boards under this Act until such Boards are constituted afresh in accordance with the provisions of this Act ; and the rights and liabilities of any such Boards shall be vested in and attached to the Boards so deemed to have been established ;

and any appointment, notification, notice, tax, order, permission, rule or bye-law made, issued or imposed in respect of any such Board under the A'in so repealed shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or imposed under the provisions of this Act, in respect of the Boards so deemed to have been established under this Act unless and until superseded by any appointment, notification, notice, tax, order, permission, rule or bye-law made, issued or imposed under this Act.

SCHEDULE A.

(See sub-section (3) of section 147).

FORM OF NOTICE OF DEMAND.

To

A.B.————————residing at————————

Take notice that the Board of————————demands from————————the sum of———————— due from————————on account of———————— ————————(here describe the property or other subject in respect of which the tax is leviable)———————— ————leviable under————for the period of———— commencing on the————day of————19 , and ending on the————day of————19 , and that if, within thirty days from the service of this notice the said sum is not paid into the office of the Board at ————————, and sufficient cause for non-payment is not shown to the satisfaction of the Board a warrant of distress will be issued for the recovery of the same with cost.

Dated this————day of————19 .

(Signed)

BY ORDER OF THE BOARD OF

SCHEDULE C.

(See clause (c) of section 152 and sub-section (1) of section 158)

FORM OF INVENTORY AND NOTICE

To

A.B.——————residing at——————

Take notice that I have this day seized the goods and chattles specified in the inventory beneath this, for the value of ——————due for the tax*——————for the period commencing with the——————day of ——————19 , and ending with the——————day of ——————19 , together with Rs.——————due as for service of notice of demand and that unless within fifteen days from the date of this notice you pay into the office of the Board at——————the said amount together with the cost of recovery, the said goods and chattles will be sold.

Dated this——————day of——————19 .

(Signature of officer executing the Warrant).

INVENTORY.

(here state particulars of goods and chattles seized).

* Here describe the tax.